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**RECORDS**  
**OF THE**  
**GOVERNOR AND COUNCIL**  
**OF THE**  
**STATE OF VERMONT.**

**VOLUME 4**

**AMS PRESS**  
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*Paul Brigham*

RECORDS  
OF THE  
GOVERNOR AND COUNCIL  
OF THE  
STATE OF VERMONT.

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VOLUME IV.

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# FIFTEENTH COUNCIL.

OCTOBER 1791 TO OCTOBER 1792.

---

THOMAS CHITTENDEN, Williston, *Governor*.

PETER OLCOTT, Norwich, *Lieutenant Governor*.

## *Councillors:*

TIMOTHY BROWNSON, Sunderland,	JONATHAN HUNT, Vernon,
JOHN FASSETT, jr., Cambridge, <sup>1</sup>	EBEN'R WALBRIDGE, Bennington,
JACOB BAYLEY, Newbury,	ISAAC TICHENOR, Bennington, <sup>2</sup>
THOMAS PORTER, Tinmouth,	LUKE KNOULTON, Newfane,
SAMUEL SAFFORD, Bennington,	JONA. ARNOLD, St. Johnsbury,
JOHN STRONG, Addison,	EBENEZER MARVIN, Tinmouth.

JOSEPH FAY, Bennington, *Secretary*.

WILLIAM SWEETSER, Windsor, *Sheriff*.

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## BIOGRAPHICAL NOTICE.

EBENEZER MARVIN, then a resident of Tinmouth but subsequently of Franklin, according to his grandson, the late chief justice Royce, was born in the south-west part of Connecticut, in April 1741. His occupation until some years after his marriage was that of a farmer, but he qualified himself for the medical profession, which he followed until 1794, when his age and a competent estate induced him to retire from practice. He was a resident of Sharon, Conn., in 1766, but removed to Stillwater, N. Y., from thence to Lansingburgh, from thence to Tinmouth, Vt., in 1781, and from Tinmouth to Franklin in 1794, where he died of paralysis in November 1820, in his 80th year. His public services were various and valuable. At the approach of the revolutionary

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<sup>1</sup> Judge Fassett was elected Councillor, but did not attend or serve as such; and did not take the oath of office, unless he was sworn by the governor after the only session of that body had been closed.

<sup>2</sup> Oct. 25 1791, Mr. Tichenor resigned his seat to accept the office of judge of the supreme court. Paul Brigham was elected to fill the vacancy, but served in the House during the session.



war, he took an active part and contributed liberally of his means to the cause. His first military service was as captain of a company of volunteers who marched to support Ethan Allen and Benedict Arnold at Ticonderoga; but subsequently he served as surgeon in the continental service, and in that capacity was present at the battle with and surrender of Burgoyne, in October 1777. He was judge of Rutland county court in 1786, and from 1788 to 1794, when he removed to Franklin. He was judge of Chittenden county court from 1794 until 1796, and of Franklin county court from 1796 until 1802, and again from 1808 until 1809—in all sixteen years. He represented Tinmouth in 1783, and from 1786 until October 1791, when he took his seat in the Council—six years. His service in the Council was from 1791 to 1802—eleven years. Though he was not educated for the bar, chief justice Royce declared that through his long experience as a judge and his powers of discrimination and judgment, he became “what may justly be styled a great *common-sense* lawyer.” Chief justice Royce described him thus:

In person, judge Marvin was august and impressive, being at least six feet in height, with broad shoulders, full chest and stout limbs, every way strong and muscular, and withal quite corpulent. A larger human head than his is rarely if ever seen. In politics he was a federalist of the Washington school, and in religious preference and profession an Episcopalian.

See *Vermont Historical Magazine*, Vol. II, articles “Berkshire,” and “Franklin;” and Deming’s *Catalogue*.

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## RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY AT WINDSOR,  
OCTOBER 1791.

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STATE OF VERMONT, Windsor, 13<sup>th</sup>. October 1791.

At a General Election Holden at Windsor on Thursday the 13<sup>th</sup> day of October 1791. Present His Excellency Thomas Chittenden Esq<sup>r</sup> Governor, His Honor Peter Olcott Esq<sup>r</sup> L<sup>t</sup> Governor, and the following members of the Honorable Council viz<sup>t</sup> Timothy Brownson Jacob Bayley Samuel Safford Thomas Porter Ebenezer Walbridge John Strong Jonathan Hunt Isaac Tichenor Luke Knoulton Jonathan Arnold and Joseph Fay Sec<sup>y</sup> William Sweetser Sheriff.

Resolved that a Committee of Seven be appointed to join a Committee from the House, to receive sort and Count the votes of the Freemen for Governor, L<sup>t</sup> Governor, Treasurer, and Twelve Councillors; Members choosen M<sup>r</sup>. Safford, M<sup>r</sup>. Brownson, M<sup>r</sup>. Strong, M<sup>r</sup>. Tichenor, M<sup>r</sup>. Knoulton, M<sup>r</sup>. Arnold & M<sup>r</sup>. Hunt.

The Committee Having attended to the business of their appointment, Report the following Gentlemen to be Elected into office for the year Ensuing viz<sup>t</sup> His Excellency Thomas Chittenden Esq<sup>r</sup> Gov<sup>r</sup> His Honor Peter Olcott Esq<sup>r</sup> Lt Governor, And the Honorable Samuel Safford Isaac Tichenor Jonathan Hunt John Strong Luke Knoulton Jonathan Arnold John Fassett Ju<sup>r</sup> Jacob Bayley Timothy Brownson Ebenezer Walbridge Thomas Porter & Ebenezer Marvin<sup>1</sup> *Counsellors*, Hon<sup>ble</sup> Samuel Mattocks Esq<sup>r</sup> *Treasurer*.

Adjourned to 9 o'Clock Tomorrow.<sup>2</sup>

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FRIDAY, 14<sup>th</sup> October 1791.

Met according to Adjournment. Present His Excellency Thomas Chittenden Esq<sup>r</sup> Gov<sup>r</sup> His Honor Peter Olcott Esquire Lt Governor and the following Members of the Honorable Council viz<sup>t</sup> Timothy Brownson Jacob Bayley Thomas Porter Samuel Safford Ebenezer Walbridge John Strong Jonathan Hunt Isaac Tichenor Luke Knoulton Jonathan Arnold. Joseph Fay *Sec<sup>y</sup>* William Sweetser *Sheriff*.

His Excellency the Governor, and the Honorable Council Having Taken the Oath to Support the Constitution of the United States, were duly qualified to Take the seats in Council.<sup>3</sup>

The Honorable Ebenezer Marvin Esquire being duly qualified and sworn to Support the Constitution of the United States & having taken the Oath of office, took his seat in the Council accordingly.

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<sup>1</sup> Occasionally written Mervin in the legislative journals.

<sup>2</sup> From the *Vermont Journal* of Oct. 18 1791:

Last Thursday, being the anniversary election of Governor and Counsellors for this State, the day was ushered in by the beat of drums.—About 10 o'clock, His Excellency the Governor, with His Honor the Lieutenant Governor, accompanied by several Gentlemen of the Council, and others, were met a few miles from this town [Windsor,] by a troop of horse commanded by Capt. Hawley, and received on the parade by Capt. Hodgman's company of Artillery, and Capt. Leverett's company of Light-Infantry—each corps in most beautiful uniforms: Their manœuvres and discipline, on this occasion, would have met the applause of regular troops.

The Committee appointed for the purpose, having declared His Excellency Thomas Chittenden, Esq. duly elected Governor, the same was announced by the discharge of fifteen cannon from the parade, by Capt. Hodgman's Artillery company.

A sermon, suitable to the occasion, was delivered by the Rev. Mr. Shuttlesworth, of this town, with his usual energy and pathos.

In the evening an elegant ball was given by a number of Gentlemen of this town, to a most brilliant assembly of Gentlemen and Ladies of this and the neighbouring States.

Rev. Samuel Shuttlesworth, of Windsor, was appointed chaplain for the session.

<sup>3</sup> The Governor and Council then joined the House, and the Governor "laid before the Legislature several communications from different public offices, among which were the proposals of amendment to the Constitution of the United States communicated from Congress; which were read, and laid on the table."—Printed *Assembly Journal*. See *Appendix B*.

The Ballots being Taken for the appointment of Secretary to the Council, Joseph Fay was declared to be duly Elected, and Took the necessary Oath to Support the Constitution of the United States, and duly to execute the office of Secretary.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

A bill from the House was received, appointing a Committee of seven to join a Committee from Council, to make the necessary arrangements of the business to be Transacted the present Session.

Resolved that M<sup>r</sup>. Safford & M<sup>r</sup>. Knoulton join said Committee.

Adjourned to 9 o'Clock Tomorrow.

WINDSOR 15<sup>th</sup>. October 1791.

Met according to adjournment. Present His Excellency Thomas Chittenden Esq<sup>r</sup>. Gov<sup>r</sup>. His Honor Peter Olcott Esquire L<sup>t</sup> Governor and the following members of the Hon<sup>ble</sup> Council viz<sup>t</sup> Timothy Brownson Jacob Bayley Thomas Porter Samuel Safford Ebenezer Walbridge John Strong Jonathan Hunt Isaac Tichenor Luke Knoulton Jonathan Arnold Ebenezer Marvin. Joseph Fay Sec<sup>y</sup>. W<sup>m</sup>. Sweetser Sheriff.

A Message was rec<sup>d</sup> from the House by M<sup>r</sup>. Hitchcock, requesting the Governor and Council to join the House in Grand Committee to take under consideration the validity of the former Election of Senators to represent this State in the Senate of the United States.

His Excellency by a Resolution of Both Houses was declared to be Ex officio [*officio*] Chairman in Grand Committee [and] Joseph Fay Clerk.

The further Proceedings of the Committee entered on the journals of the House of Assembly.

Adjourned to 2 o'Clock P M.

Met according to adjournment.

The Governor and Council Proceeded to the House and joined in Grand Committee for the further consideration of the appointment of Senators. The question being decided that the former appointment was premature, the Committee dissolved, and the Council returned to the Council Room.

IN GENERAL ASSEMBLY Oct<sup>r</sup>. 15 1791.

Resolved that Monday next at the opening of the House in the afternoon be assigned to Elect Senators to represent this State in the Senate of the United States.

Extract from the Journals. ROSWELL HOPKINS, Sec<sup>y</sup>. of State.

IN GENERAL ASSEMBLY 15 October 1791.

Resolved that Thursday the 1<sup>st</sup> day of December next be Observed as a day of Public Thanksgiving throughout this State; and that His Excellency the Governor in Council be requested to Issue his Proclamation accordingly.

Extract from the journals. L. R. MORRIS, Clerk.

Adjourned until 10 o'Clock Monday next.

IN COUNCIL Monday Windsor 17<sup>th</sup>. October 1791.

Met according to adjournment. Present His Excellency Tho<sup>s</sup> Chittenden Governor, His Honor Peter Olcott Esq<sup>r</sup>. L<sup>t</sup> Governor and the following members of the Hon<sup>ble</sup> Council viz<sup>t</sup> Timothy Brownson Jacob Bayley Thomas Porter Samuel Safford Ebenezer Walbridge John

Strong Jonathan Hunt Isaac Tichenor Luke Knoulton Jonathan Arnold Ebenezer Marvin. Joseph Fay *Secy*. W<sup>m</sup>. Sweetser *Sheriff*.

Resolved to join the House in Grand Committee at 2 o'clock P. M. for the purpose of Electing Senators agreeable to the order of Saturday.

The Honorable Samuel Mattocks Esq<sup>r</sup>. Treasurer appeared before the Governor and Council and was duly qualified to serve in that office, by the taking the necessary Oaths of office, and to Support the Constitution of the United States.

The said *Treasurer* also as Principle [principal] and the Hon<sup>ble</sup> John Strong & Nathaniel Chipman Esquires as Sureties was Recognized in due form in the Sum of Ten thousand Pounds Lawful Money, to the Secretary of State for the faithful performance of his duty in his said office of Treasurer.

Attest, JOSEPH FAY, *Secy*.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

The Governor and Council proceeded to Ballot for the Senators. The ballots being Taken The Hon<sup>ble</sup> Moses Robinson Esq<sup>r</sup>. was declared by a Majority of all the votes to be duly nominated the first Senator.

The Ballots being taken for a Second, The Hon<sup>ble</sup> Stephen R. Bradley was declared by a Majority of the whole votes to be duly nominated.

A message from the House was rec<sup>d</sup> by M<sup>r</sup>. Chipman, requesting the Governor and Council to join in Grand Committee for the purpose of Comparing the nominations of the the Two Houses for Senators, and to proceed to Election.

The Governor and Council joined accordingly and compared the nomination, when the Honorable Moses Robinson, and Stephen R. Bradley, was declared to be duly Elected Senators to Represent this State in the Congress of the United States.<sup>1</sup>

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<sup>1</sup> By letters of Oct. 10 1791, addressed to Gov. Chittenden and Speaker Olin, Senator elect Moses Robinson stated that it had been suggested that the election of U. S. Senators at the previous session was premature, and urged a decision of that question as soon as possible, inasmuch as Congress was to meet in the last of the then present month. Oct. 15, one of these letters was read, when Matthew Lyon moved, and the House resolved, that the election was premature. Probably the ground taken was, that the election on the 19th of January 1791 preceded by six weeks the date fixed by Congress for the admission of the State into the Union. Both houses joined immediately in grand committee, and after a long debate in the morning session and extending into the afternoon, the question was decided in the affirmative, and the 17th was fixed for another election. On the morning of that day, says the *Assembly Journal*, "General Bradley appeared on the floor of the House, and in a handsome and well adapted speech resigned the credentials of his election as a member of the Senate of the United States, into the hands of the Secretary of State." Neither the official records nor the Vermont newspapers give the names of the unsuccessful candidates; and the only clue discovered is a copy, in the *Vermont Journal* of Oct. 18 1791, of a humorous hand-bill which was posted in Windsor on the day preceding the election. It characterized the election as "Federal Racing," and described the racers thus: "Eastern Racers—The Past-Time [Stephen R.

The Committee then Resolved to proceed to Elect Judges of the Supreme Court. The ballots being Taken the Hon<sup>ble</sup> Samuel Knight was Elected chief Judge, and the Hon<sup>ble</sup> Elijah Payne [Paine] & Isaac Tichenor Esquires was declared to be duly Elected side judges. Committee adjourned until 2 o'Clock Tomorrow then to Elect county officers.<sup>1</sup>

Adjourned to 9 o'Clock Tomorrow.

TUESDAY 18<sup>th</sup> October 1791.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor Lt Governor Olcott, and the following Members of the Hon<sup>ble</sup> Council viz<sup>t</sup> Timothy Brownson Jacob Bayley Thomas Porter Samuel Safford Ebenezer Walbridge John Strong Jonathan Hunt Isaac Tichenor Luke Knoulton Jonathan Arnold Ebenezer Marvin. Joseph Fay Secy. William Sweetser Sheriff.

A bill was rec<sup>d</sup> from the House Stating the 3<sup>d</sup>. 4<sup>th</sup>. & 6<sup>th</sup>. Articles in the bill of arrangement & appointing a Committee to join a Committee from the Council to Take into consideration the aforesaid articles; Resolved that M<sup>r</sup>. Marvin and M<sup>r</sup>. Tichenor join said Committee.<sup>2</sup>

A bill from the house was rec<sup>d</sup>. on the 5<sup>th</sup>. article of arrangement for amending the Militia bill [act,] and a Committee appointed to join a committee of Council; Resolved that M<sup>r</sup>. Walbridge and M<sup>r</sup>. Strong join said Committee.

Adjourned to 2 o'Clock P. M.

Met according to adjournment & proceeded to join the House in Grand Committee agreeably to the order of yesterday for the purpose of Electing County officers, when they proceeded to read the nomination of the Counties of Bennington, Rutland, Windham, Addison & Chittenden; the whole not being Returned adjourned to Thursday morning next at 9 o'Clock, and the Council returned to the Council Room.

A bill from the House was rec<sup>d</sup>. upon the 10<sup>th</sup>. article in the arrangement viz<sup>t</sup> that the Legislature Take under consideration the expediency of Opening a Communication between the waters of Lake Champlain and Hudson River, and also of rendering the Navigation of Connecticut river more Easy and advantageous, was [which had been] read and referred to a Committee of one member from each County to join a Committee of Council. Resolved that M<sup>r</sup>. Arnold join the above Committee.

Bradley,] Peacock [possibly Elijah Paine,] Pretty Town Horse, Old Roger [Enos,] Narraganset Pacer [Jonathan Arnold,] Connecticut Blue [Nathaniel Niles,] Western Racers—The Old Script [Moses Robinson,] Jersey Sleek [Isaac Tichenor,] Figure, Bold Sweeper [probably Matthew Lyon,] Northern Ranger [probably Samuel Hitchcock.]

<sup>1</sup> Samuel Hitchcock was at the same time elected Attorney General. Judges Knight and Paine accepted their respective offices in letters which are printed in *Appendix C*.

<sup>2</sup> The articles of business thus referred were an alteration of the act defining the powers of the supreme and county courts; a revision of criminal laws; and an act empowering executors and administrators to prosecute suits pending at the death of plaintiff or defendant.

<sup>3</sup> The committee of the House consisted of Arad Hunt, Jonathan Robinson, Roger Enos, Matthew Lyon, Gamaliel Painter, William Dennison, and Ira Allen.—See *Appendix D*.

A petition Signed by William Henry & Nathan Wood Executors on the last will and Testament of Thomas Caston<sup>1</sup> Late of Bennington deceased praying for an Act of the Legislature to pass to Establish said will, having been read in General Assembly and a Committee appointed thereon to join a Committee of Council, Resolved that M<sup>r</sup>. Marvin join said Committee.

The Honorable Samuel Knight Esq<sup>r</sup>. appearing in Council was duly qualified before the Governor to Execute the office of Chief Justice for the Supreme Court for the year Ensuing. The Honorable Elijah Payne [Paine] also qualified as first side judge.

A petition signed by a number of the Inhabitents of Windsor, praying for a Lottery of one Thousand Dollars to be appropriated to Clearing out Connecticut River, having been read in General Assembly, and a Committee appointed thereon to join a Committee of Council; Resolved that M<sup>r</sup>. Knoulton join said Committee, and to join the Committee on the petition of the Inhabitents of Bethel praying for a Lottery for building a Bridge over the third Branch of White river

A petition Signed by Martin Kinsley and Polly Kinsley, praying to have a Law passed to make void an Intailment on a certain Lott of Land in Westminster, having been read in General Assembly and a Committee appointed thereon to join a Committee of Council, Resolved that M<sup>r</sup>. Knoulton join said Committee.

Adjourned to 9 o'Clock Tomorrow.

#### IN COUNCIL Tuesday 19 October 1791.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup> Governor Olcott and the following Members of the Honorable Council viz<sup>t</sup>. Timothy Brownson Jacob Bayley Thomas Porter Samuel Safford Ebenezer Walbridge Jonathan Hunt Isaac Tichenor Luke Knoulton Jonathan Arnold Ebenezer Marvin. Joseph Fay Sec<sup>y</sup>. W<sup>m</sup>. Sweetser Sheriff.

An act appointing Commissioners for the purpose of making a settlement with Ira Allen Esquire having [passed] the General Assembly was read and nonconcurrent.

A petition of the Inhabitants of Woodstock and others praying for a Grant of a Lottery of three hundred pounds for the purpose of repairing the Roads across the Mountain thro Killington [Sherburne,] having been read in General Assembly & a Committee appointed thereon to join a Committee of Council, Resolved that M<sup>r</sup>. Knoulton join s<sup>d</sup>. Committee.

A bill from the House was rec'd appointing a Committee to join a Committee of Council, to Confer with and give some directions to the Treasurer Agreeable to his request, Resolved that M<sup>r</sup>. Brownson join said Committee.

Adjourned to 2 o'Clock P. M.

Met according to adjournment. No business being rec'd from the House the Council adjourned to 8 o'Clock Tomorrow Morning.

#### THURSDAY 20<sup>th</sup>. October 1791.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup> Governor Olcott, and the following members

<sup>1</sup> Casson in the *Assembly Journal*.

of the Hon<sup>ble</sup>. Council viz<sup>t</sup> Timothy Brownson Jacob Bayley Thomas Porter Samuel Safford Ebenezer Walbridge John Strong Isaac Tichenor Luke Knoulton Jonathan Arnold Ebenezer Marvin. Joseph Fay Sec<sup>y</sup>. Will<sup>m</sup>. Sweetser Sheriff.

The Governor and Council proceeded to join the House in Grand Committee to Complete the County Elections.

A bill from the House was rec<sup>d</sup> appointing a Committee to join a Committee of Council to Examine the Claims of General Allen. Resolved that M<sup>r</sup>. Arnold join said Committee.

A petition from Jacob Sheldon of Reuport was read praying for relief for Land Bought of John Fassett Commissioner of Sales as property belonging to this State, which he is not able to hold by Law, said petition having been read in the General Assembly and a Committee appointed thereon to join a Committee of Council, Resolved that M<sup>r</sup>. Brownson join said Committee.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

A petition from the Collector of the Town of *Sharon* praying for relief in Collecting State Taxes on Wild Land, said petition being read in the General Assembly, and a Committee appointed thereon to join a Committee of Council, Resolved that M<sup>r</sup>. Marvin join said Committee.

A petition signed by Benjamin Bellows, and John Bellows, praying to have certain Records *Perpetuated*, said petition having been read in General Assembly, & a Committee being appointed thereon to join a Committee of Council, Resolved that M<sup>r</sup>. Safford join said Committee.

Adjourned to 9 o'Clock Tomorrow.

#### FRIDAY 21<sup>st</sup> October 1791.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup> Governor Olcott, and the following Members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> Timothy Brownson Jacob Bayley Thomas Porter Samuel Safford Ebenezer Walbridge John Strong Jonathan Hunt Isaac Tichenor Luke Knowlton Jonathan Arnold Ebenezer Marvin. Joseph Fay Sec<sup>y</sup>. William Sweetser Sheriff.

[Before proceeding to the following business, the Governor and Council joined the House to elect further County officers.]

A petition signed John Hazellton praying for Compensation as Surgeon in the Service of this State during the late War, having been read in General Assembly, and a Committee of three members being appointed to join a Committee of the Council, Resolved that M<sup>r</sup>. Brownson join said Committee.

A petition from the Inhabitents of the County of Addison, one from the Inhabitents of *Vergeens*, one from the Inhabitents of *Middlebury*, and one other from a number of the Inhabitents of said County of Addison, having been read in General Assembly, and a Committee appointed thereon to join a Committee of Council, Resolved that M<sup>r</sup>. Olcott & M<sup>r</sup>. Hunt join said Committee.

Adjourned to 2 o'Clock P. M.

Met according to adjournment. Having read Sundry Acts which were ordered to lie on the Table, Adjourned to 9 o'Clock Tomorrow.

#### SATURDAY 22<sup>d</sup> October 1791.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup> Governor Olcott, and the following Members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> Timothy Brownson Jacob Bayley Thomas

Porter Samuel Safford Ebenezer Walbridge John Strong Jonathan Hunt Isaac Tichenor Luke Knoulton Jonathan Arnold Ebenezer Marvin. Joseph Fay *Secy*. W<sup>m</sup>. Sweetser *Sheriff*.

A petition from William and Royal Gurley, praying for Leave to sell some Real Estate in Guilford the property of a *Minor*, Having been read in General Assembly and a Committee appointed thereon to join a Committee of Council, Resolved that M<sup>r</sup>. Brownson join said Committee.

A petition from Levi Allen praying to be Allowed for his Services as a Commissioner, to negotiate a Treaty of Commerce in the Province of *Quebec*, having been read in General Assembly and a Committee appointed thereon to join a Committee of Council, Resolved that M<sup>r</sup>. Tichenor and M<sup>r</sup>. Marvin join said Committee.

An Act pointing out the mode of Electing Sensors [Censors,] having passed the General Assembly was read and Concurred with some Amendments which was Agreed to by the House.

The petition of Samuel Parkins [Perkins] and Samuel Walker, praying to be secured in their persons and properties from *arrest* for three years, having been read in General Assembly, and a Committee appointed to join a Committee of Council, Resolved that M<sup>r</sup>. Hunt join said Committee.

The Petition of Joseph Hubbard and Abraham Downer, praying for a Lottery to compleat the building of a *Brew House* in Weathersfield, having been read in General Assembly, and a Committee appointed thereon to join a Committee of Council, Resolved that M<sup>r</sup>. Knoulton join said Committee.

A petition from the Inhabitents of Reedsboro' praying for a Lottery having passed the General Assembly and a Committee appointed thereon to join a Committee of Council, Resolved that M<sup>r</sup>. Knoulton join said Committee, and to join the Committee on the petition of a number of the Inhabitents of the Counties of *Bennington & Windham* praying for a Lottery to compleat a bridge over deerfield river [in Readsborough,] & to amend the roads across the Green Mountains.

An act Dividing the Township of Cavendish into Two Towns, having passed the General Assembly was read & concurred.

Adjourned to 10 o'clock Monday next.

IN COUNCIL Windsor Monday 24<sup>th</sup>. Oct<sup>r</sup>. 1791.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor L<sup>d</sup> Governor Olcott, and the following members of the Hon<sup>ble</sup>. Council viz<sup>t</sup>. Timothy Brownson Thomas Porter Jacob Bayley Samuel Safford Ebenezer Walbridge John Strong Jonathan Hunt Isaac Tichenor Luke Knoulton Jonathan Arnold Ebenezer Marvin. Joseph Fay *Secy*. W<sup>m</sup>. Sweetser *Sheriff*.

An act annexing part of the Town of New Haven to the Town of Weybridge having passed the General Assembly, was read and Concurred.

An act to postpone the time for Electing City officers for the City of Vergens having passed the General Assembly was read and Concurred.

A petition from Calvin Parkhurst was read praying for a Lottery to be Granted for the purpose of building a Bridge over white river having been read in General Assembly, and referred to Lottery Committee; Resolved that M<sup>r</sup>. Knoulton join said Committee.

Adjourned to 2 o'clock P. M.

Met according to adjournment.



The Governor and Council joined the House of Assembly in Grand Committee for the purpose of consulting on the proper place for Erecting a College within this State and also for Establishing a place or places for the Temporary residence for Holding the General Assembly in this State.<sup>1</sup>

A petition Signed Elisha Gustin, praying for relief by way of Compensation for the loss of a Certain Farm of Land which he bought of Reuben Jones, as Confiscated Estate, and which he has since lost, the Title not being vested in the State, said petition having been read in General Assembly and Committed to join Committee of Council, Resolved that M<sup>r</sup>. Bayley join said Committee.

An act Granting a new Tryal in a cause depending, the Demise of Derius Chipman against *Salmon Farr* having passed the General Assembly was read and concurred.

Sundry petitions from the Collectors of Braintrec, Bethel, & Maidstone, having been read in General Assembly, & Committed to join a Committee of Council, Resolved that M<sup>r</sup>. Marvin join said Committee.

Adjourned to 9 o'clock Tomorrow.

IN COUNCIL Tuesday 25 October 1791.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup>. Governor Olcott, and the following Members of the Hon<sup>ble</sup>. Council viz<sup>t</sup>. Timothy Brownson Jacob Bayley Thomas Porter Samuel Safford Ebenezer Walbridge John Strong Jonathan Hunt Isaac Tichenor Luke Knoulton Jonathan Arnold Ebenezer Marvin. Joseph Fay Sec<sup>y</sup>. W<sup>m</sup>. Sweetser Sheriff.

[The Governor and Council joined the House in Grand Committee, when the Hon. Paul Brigham was elected councillor.]<sup>2</sup>

An Act authorising a Committee to Superintend the Printing the Laws of this State, at Beunington, having passed the General Assembly was read and concurred.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

The Secretary of Council was directed by the Governor and Council, to Notify M<sup>r</sup>. [Paul] Brigham of his being Elected a Member of Council, which being done M<sup>r</sup>. Brigham Attended Accordingly, & requested Leave of a few days' consideration before he accepted his appointment, which was Granted.<sup>3</sup>

The Governor and Council joined the House in Grand Committee for the purpose of Taking into Consideration an act constituting a College within this State, and for passing an Act appointing Commissioners for ascertaining the Expenditure of this State in the last War, for the pur-

<sup>1</sup> The results were the appointment of a committee to draft a bill for a University; and to amend the bill fixing Rutland and Windsor alternately as "the residence of the Legislature" for the term of twelve years, by striking out "twelve" and inserting *eight*.

<sup>2</sup> In place of Isaac Tichenor, who was disqualified by accepting the office of judge of the supreme court on that day.

<sup>3</sup> Mr. Brigham was a member of the House, and served as such during the session.

pose of Stating the Same to the Congress of the United States for the purpose of assuming a State Debt.

Adjourned to 9 o'Clock Tomorrow.<sup>1</sup>

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WEDNESDAY 26<sup>th</sup>. October 1791.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor Lt Governor Olcott, and the following Members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> Timothy Brownson Jacob Bayley Thomas Porter Samuel Safford Ebenezer Walbridge John Strong Jonathan Hunt Luke Knoulton Jonathan Arnold Ebenezer Marvin. Joseph Fay Secy. W<sup>m</sup>. Sweetser Sheriff.

The Governor and Council joined the House of Assembly in Grand Committee for the purpose of Electing Ten Trustees for the College of the State of Vermont; the ballots being taken the following persons were declared to be duly Elected viz<sup>t</sup> Caleb Blood, Bethewel [Bethuel] Chittenden, Asa Burton, George Bowne, Judge [Charles] Platt, Ira Allen, Jonathan Arnold, Enoch Woodbridge, Samuel Hitchcock, Jonathan Hunt.

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<sup>1</sup> From the *Assembly Journal*:

Oct. 25 1791, p. m.—His Excellency the Governor and Council appeared in the House, and the Grand Committee, agreeable to adjournment, proceeded to business.

The report of the Sub-Committee [Dr. Benjamin Greene, Jonathan Arnold, Samuel Hitchcock, Samuel Williams, (of Rutland, but not the Rev. Dr. of that place and name,) Cornelius Lynde, Ebenezer Marvin, and Paul Brigham,] to whom was referred the drafting of the bill entitled An act for an establishment of a College, or Seminary, in the State of Vermont, was read, and the Committee proceeded to vote by ballot for the place of establishing the Seminary—when upon receiving, sorting and counting the ballots, it appeared that 89 members were in favour of Burlington, 24 of Rutland, 5 of Manchester, 1 of Danville, 1 of Castleton, 1 of Berlin, and 5 of Williamstown—total 126—majority in favour of Burlington, 52.

Voted, that it be recommended to the Legislature of this State to pass the bill under consideration into a law of this State.

Voted, To elect a Sub-Committee of seven, who shall nominate twenty-one persons, out of whom ten shall be chosen as Trustees for the proposed Seminary—Members chosen—His Excellency, Messrs. [Gideon] Olin, [Samuel] Safford, [Paul] Brigham, [Ebenezer] Marvin, [Jonathan] Arnold, and [Roger] Enos.

A bill, entitled An act appointing Commissioners to ascertain the expences of this State in prosecuting the war with Great-Britain, was read, and on motion of Mr. Safford, Voted, That the Sub-Committee above mentioned nominate six persons, out of whom three shall be chosen to fill up the blank in the above bill.

His Excellency recommended to the Legislature to take some effectual measure to suppress the recent villainy of burning court-houses, &c. and to bring the incendiaries to condign punishment.

Windham county court-house was burned on the night of Oct. 6, and that of Windsor on the night of Oct. 24th. The Assembly advised the governor to offer a reward of five hundred dollars for the detection of the incendiaries, a proclamation of which was issued accordingly.

Committee adjourned to 2 o'Clock. The Council also adjourned to 2 o'Clock P. M.<sup>1</sup>

Met according to adjournment and joined in Grand Committee for the purpose of choosing three Commissioners for the purpose of Collecting & adjusting the public accounts of this State to lay before the Congress of the United States; the ballots being Taken, Benjamin Green, Ira Allen, and Isaac Tichenor Esq<sup>r</sup> was declared to be duly Elected.

The Committee also proceeded to Elect a Surveyor General, when James Whitlaw [Whitelaw] was declared to be duly Elected.

The Committee also proceeded to Elect an auditor of Public accounts when Elisha Clark Esquire was Declared to be duly Elected.

Committee Adjourned until 9 o'Clock Tomorrow Morning.

An act Granting a Tax of two pence p<sup>r</sup> acre on all the Lands in the Township of Waitsfield read and Concurred.

An act Granting a Tax of one penny half penny on the Land in Kingston [Granville] having passed the General Assembly was read and concurred.

An act Granting a Tax of a half penny on each acre of Land in the Township of Warren, having passed the General Assembly was read & Concurred.

An act for dividing the Township of Cavindish into Two Towns, being read and a remonstrance from the Inhabitents of said Town, against said Act being passed into a Law—Resolved that said bill be Noncured [non-concurred] and the reasons Entered on the bill, and the remonstrance with the said bill to be returned to the House.

A petition Signed by L. R. Morris and William Page praying for a Grant of the Exclusive Right to Lock the Falls on Connecticut River Called Bellows Falls having been read in General Assembly and a Committee appointed thereon to join a Committee of Council, Resolved that [Lieut.] Governor Olcott and Mr. Hunt join said Committee.

A petition Signed Jonathan Chase of Cornish, N. Hampshire, praying for compensation for wheat Taken from him for the use of the State during the Late War, and praying for compensation for Certain Notes given him by Zadock Wright & one Naughton who afterwards joined the Enemy and their Estate was Confiscated to the use and benefit of

<sup>1</sup>From the printed *Assembly Journal*:

Oct. 26 1791, a. m.—In Grand Committee—The report of the Subcommittee appointed to nominate twenty-one persons, from whom ten Trustees are to be elected for the proposed seminary, was read—Persons nominated, Caleb Blood, Bethuel Chittenden, Enoch Woodbridge, Ira Allen, Samuel Hitchcock, Judge [Charles] Platt, Jonathan Arnold, Samuel Shuttleworth, Ebenezer Marvin, Jonathan Hunt, Noah Smith, John Strong, Jonathan Spafford, Samuel Cutler, Elljah Paine, Dan Foster, Roger Enos, William Chamberlain, Paul Brigham, Jonas Galusha.

The Committee proceeded to vote for the ten Trustees.

On motion of Mr. Robinson, Voted, That a person from the sect of Congregationalists be added to the nomination—Rev. Mr. Burton was accordingly added.

On motion of Mr. Enmons, Voted, That a person from the society of Friends be added to the nomination—George Bowne was added accordingly.

Gentlemen chosen Trustees,—Rev. Caleb Blood, Rev. Bethuel Chittenden, Rev. Asa Burton, Gen. Ira Allen, Hon. Jonathan Arnold, Col. Samuel Hitchcock, Mr. George Bowne, of New-York, Charles Platt, Esq. Enoch Woodbridge Esq. Hon. Jonathan Hunt.

this State, having been read in General Assembly & Committed to join a Committee of Council, Resolved that M<sup>r</sup>. Marvin join said Committee.

An act regulating *Mesne* process having passed the General Assembly was read & Concurred.

An act Granting a Lottery for the purpose of rasing £300 to repair the roads from Woodstock to Rutland, having passed the General Assembly was read & Concurred.

Adjourned to 9 o'Clock Tomorrow.

THURSDAY 27<sup>th</sup> October 1791.

Met according to adjournment. Present His Excellency Governor Chittenden, His Honor L<sup>t</sup> Governor Olcott and the followiag Members of the Honorable Council viz<sup>t</sup> Timothy Brownson Jacob Bayley Thomas Porter Samuel Safford Ebenezer Walbridge John Strong Jonathan Hunt Luke Knoulton Jonathan Arnold Ebenezer Marvin. Joseph Fay Sec<sup>y</sup>. W<sup>m</sup>. Sweetser Sheriff.

The Council not having any Special business from the House they agreed to adjourn until 2 o'Clock P. M.

Met according to Adjournment.

A petition from Silas Whitney was read praying for relief in a dispute Subsisting between said Whitney & Daniel Marsh relative to a farm of Land which he purchased in Clarindon, having been read in General Assembly & Committed to join a Committee of Council, Resolved that M<sup>r</sup>. Strong join said Committee.

A petition from Colonel John Barron in behalf of himself and a number of Inhabitents of Bradford, praying to receive a quantity of Land in said Bradford free of expence; Also a petition from General Moses Hazen, (by his Agent Benjamin Moore,) praying for further Time for paying the fees on the Land Granted to him in Moretown *Alias* Bradford, said petition having been read in General Assembly & Committed to join a Committee of Council—Resolved that M<sup>r</sup>. Porter and M<sup>r</sup>. Brownson join said Committee.

Adjourned to 9 o'Clock Tomorrow.

FRIDAY 28<sup>th</sup> October 1791.

Met according to Adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup> Governor Olcott, and the following Members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> Timothy Brownson Jacob Bayley Thomas Porter Samuel Safford Ebenezer Walbridge John Strong Jonathan Hunt Luke Knoulton Jonathan Arnold Ebenezer Marvin. Joseph Fay Sec<sup>y</sup>. W<sup>m</sup>. Sweetser, Sheriff.

An act removing the Sitting of the Courts from Addison in the County of Addison to Middlebury having passed the General Assembly was read and Concurred.

An account Exhibitted by [Lieut.] Gov<sup>r</sup>. Marsh of £69 3 0 for money Services paid out during the late War having been before the Assembly and Committed to join a Committee of Council, Resolved that M<sup>r</sup>. Porter join said Committee.

An act for raising a Tax of a half penny on the polls and Ratable Estate in the County of Windham for the purpose of Re-building the Court house in said County having passed the General Assembly was read and Concurred.

The Hon<sup>ble</sup> Jonathan Arnold Esquire obtained Leave of Absence until Monday next.

The Honorable Luke Knoulton Esq<sup>r</sup>. Obtained Leave of Absence during the present Session.

Adjourned to 2<sup>o</sup> Clock P. M.

Met according to adjournment.

An Act Laying a Tax of 2<sup>d</sup> on the pound on the Grand List of this State for y<sup>e</sup> ensuing year, having passed the General Assembly was read and returned to the House with a proposal of a half a penny to be added to said Tax as an amendment; the House agreed to the amendment & the Tax is Granted of Two pence half penny on the pound.

An act Granting a Lottery in Royalton of one hundred pounds for the purpose of Repairing a Bridge over white River, having passed the General Assembly was read and Concurred.

An act in addition to and alteration of an act Granting a Tax of one penny on each acre of Land in Washington, having passed the General Assembly was read & Concurred.

An act in addition to an act entitled an act Granting a Tax of one penny on Each acre of Land in Guildhal for declareing the Time of Redemption to be one year after sale, having passed the General Assembly was read and Concurred.

Adjourned to 9<sup>o</sup> Clock Tomorrow.

**SATURDAY 29<sup>th</sup>. October 1791.**

Met according to adjournment. Present His Excellency Governor Chittenden, His honor Peter Olcott Esq<sup>r</sup>. L<sup>t</sup> Gov<sup>r</sup>. and the following Members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> Timothy Brownson Jacob Bayley Samuel Safford Thomas Porter John Strong Jonathan Hunt Ebenezer Walbridge Ebenezer Marvin. Joseph Fay Sec<sup>r</sup>. W<sup>m</sup>. Sweetser Sherriff.

A petition Signed by Daniel Marsh praying for an allowance of his acc<sup>t</sup> against the State for Cattle, Sheep, and one horse Taken from him during the War and sold for the use of this State, having been read in General Assembly & Committed, Resolved that M<sup>r</sup>. Walbridge join said Committee.

An act regulating the prices for which Goalars shall board prisoners, having passed the General Assembly was read and Concurred.

An act against Counterfitting the public Securities of this State, & orders Drawn on the Treasurer by the Clerk of the Supreme Court, having passed the General Assembly was read and Concurred.

An act in addition to an act for the punishment of theft, horse Stealing &c. having passed the General Assembly was read & Concurred.

On request of General Ira Allen Resolved that M<sup>r</sup>. Safford join the Committee on the settlement of said Allen's accounts.

A petition from the Selectmen of the Town of Lunenburgh praying to be released from paying the Surveyor General's Tax for Surveying the outlines of said Township, said petition having been read in General Assembly & Committed, Resolved that M<sup>r</sup>. Hunt join said Committee.

A petition from Samuel Avery Esq<sup>r</sup>. Praying for the fees on the Township Granted to him west of Duncansboro' [Newport] to be Lessened, having been read in General Assembly and Committed to join a Committee of Council, Resolved that M<sup>r</sup>. Safford join said Committee.

A petition from the Hon<sup>ble</sup> Jon<sup>s</sup>. Arnold Esquire praying for a dispensation of the Law for admitting Attorney<sup>s</sup> to the Bar in this State and admitting his son Lyndon Josiah Arnold to plead in the Several Courts in this State, having been read in General Assembly and Committed to join a Committee of the Council—Resolved that M<sup>r</sup>. Marvin join said Committee.

A Memorial from Levi Allen as one of the Commissioners for Treating with Lord Dorchester on a Commercial Intercourse between the Province of Quebec & this State, having been read in General Assembly and Committed to join a Committee of Council, Resolved that M<sup>r</sup>. Bayley & M<sup>r</sup>. Strong join said Committee.

An act Granting a Tax of Two pence on the acre on all the Lands in *Chelsea* having passed the General Assembly was read and Concurred with the amendment of one penny in lieu of Two pence.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

An act defining the powers of the Supreme and County Courts within this State having passed the General Assembly was read and Concurred, with a proviso inserted and returned to the House.

Adjourned to 9 o'Clock Monday next.

#### MONDAY 31<sup>st</sup> October 1791.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup>. Governor Olcott, and the following members of the honorable Council viz<sup>t</sup>. Timothy Brownson Jacob Bayley Samuel Safford Thomas Porter John Strong Ebenezer Walbridge Jonathan Hunt Ebenezer Marvin. Joseph Fay Sec<sup>y</sup>. W<sup>m</sup>. Sweetser *Sheriff*.

The Hon<sup>ble</sup>. John Strong Resigned his office as Brigadier General of the 4th [6th] Brigade of the Militia of this State, which was accordingly accepted and the General Assembly informed thereof, and requested to join and fill the vacancy at the opening of the House this afternoon.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

A petition from General Spafford praying to be annexed to the west Parish in Williston having been read in General Assembly and Committed to join a Committee of Council—Resolved that M<sup>r</sup>. Porter join said Committee.

A petition from a number of Representatives Inhabitants of the County of Orange, Praying for said County to be Divided into three Counties, having been read in General Assembly and Committed to join a Committee of Council, Resolved that [Lieut.] Governor Olcott join said Committee & also M<sup>r</sup>. Walbridge.

Adjourned to 9 o'Clock Tomorrow.

#### TUESDAY 1<sup>st</sup> November 1791.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup>. Governor Olcott, and the following Members of the Hon<sup>ble</sup>. Council viz<sup>t</sup>. Timothy Brownson Jacob Bayley Thomas Porter Samuel Safford Ebenezer Walbridge John Strong Jonathan Hunt Jonathan Arnold Ebenezer Marvin. Joseph Fay Sec<sup>y</sup>. Benjamin Page *D. Sheriff*.

A Letter from the Hon<sup>ble</sup>. Major General Roger Enos, Resigning his Command of the 4th Division of the Militia of this State which was accordingly accepted, and the General Assembly notified thereof & requested to join in Grand Committee for the purpose of Filling the vacancy.<sup>1</sup>

† See *Appendix C*.

An act granting to William Page and Lewis R. Morris Esquires, their heirs and assigns forever, the Exclusive Right of Locking Belows Falls (so called) on Connecticut River, having passed the General Assembly was read and Concurred.<sup>1</sup>

An act directing the Secretary of Council, the Clerk of the Supreme Court, and auditor of accounts to this State to make returns of the amount of orders drawn on the Treasury, having passed the General Assembly was read and Concurred.

An act to prevent undue influence of Jurors [undue influencing of jurors] by the party gaining their cause Treating them, having passed the General Assembly, was returned to the House with proposals of amendment, to add one Dollar to the usual fees.

An act for the punishment of *Rapes*, having passed the General Assembly was read and Concurred—with a small amendment.

An act defining the Powers of the Supreme and County Courts in this State was returned to the Council by Mr Hitchcock, rendering the reasons why the house could not Concur with the Council in the amendment, whereupon the amendment was altered and returned to the House.

An act entitled an act Regulating Proprietors' Meetings, having passed the General Assembly was read and Concurred.

An act to prevent undue Influencing Jurors was returned from the House by Mr Lott Hall, rendering the reasons why the House could not Concur with the Council in the amendment, whereupon the Council on reconsideration read the bill and Concurred with the House therein.

The Governor, Council & General Assembly joined in Grand Committee, for the purpose of Electing a Brigadier General, when Samuel Benton Esq<sup>r</sup> was declared to be duly Elected to Command the 6<sup>th</sup> Brigade—[vice John Strong resigned.]

An act entitled an act empowering Executors and administrators to prosecute and defend suits &c. having passed the General Assembly was read and Concurred.

An act entitled an act to Establish the residence of the Sitting of the Legislature of this State for the Term of Eight years, having passed the General Assembly was read and Concurred.<sup>2</sup>

Adjourned to 2 o'Clock P. M.

<sup>1</sup> See Appendix D.

<sup>2</sup> The act was as follows:

**AN ACT to establish the residence of the legislature of the state of Vermont, for the term of eight years.**

Whereas great inconvenience and expence have arisen to this state by reason of having no fixed places for holding the sessions of the legislature: And whereas no place near the centre is sufficiently settled to accommodate the same:

*It is hereby enacted by the general assembly of the state of Vermont,* That the session of the legislature in October next shall be holden at Rutland, and thereafter the annual sessions shall be holden alternately at Windsor, and at Rutland aforesaid, for the space of eight years. And that the next adjourned session of the legislature shall be holden at Windsor, in the county of Windsor; and thereafter the adjourned sessions of the legislature shall be holden alternately, at Rutland and Windsor aforesaid, for the like space of eight years. *Provided, That*

Met according to adjournment.

The Governor and Council joined the House in Grand Committee for the purpose of Electing a Major General of the fourth Division in place of Major General Enos resigned; the ballots being Taken the Hon<sup>ble</sup>. Paul Brigham was declared to be duly Elected.

An act Impowering the Governor to raise two Independent Companies of Caddats [cadets] in the Towns of Windsor and Rutland, having passed the Council was directed to be sent to the General Assembly to be passed into a Law of this State.

An act directing the manner of Taking bail in certain cases therein mentioned having passed the General Assembly was read and Concurred.

An act empowering Daniel Marsh to administer on the Estate of Thomas W. Pitkin Late of Hartford Dec<sup>d</sup> & to Empower him to Sell real Estate, having [passed] in General Assembly was read & Concurred.

An act directing leather sealers in their office and duty, having passed the General Assembly was read and Concurred.

A bill from the House appointing a Committee to join a Committee of Council to point out the mode of appointing Electors to Elect a President and vice President of the United States, Resolved that M<sup>r</sup>. Arnold join said Committee.

Adjourned to 9 o'Clock Tomorrow.

#### WEDNESDAY 2<sup>d</sup> November 1791.

Met according to adjournment. Present His Excellency Governor Chittenden—His honor L<sup>t</sup> Governor Olcott, and the following Members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> Timothy Brownson Jacob Bayley Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Jonathan Arnold Ebenezer Marvin. Joseph Fay Sec<sup>y</sup>. Benj<sup>t</sup>. Page D. Sheriff.

The Governor and Council joined the House in Grand Committee for the purpose of Electing of a Brigadier General in place of General Brigham *Promoted*; the ballots being Taken Elias Stevens was declared to be duly Elected.

An act for Establishing a University within this State, having passed the General Assembly was read & returned to the House with proposals of amendment.

An act to prevent the Groth of Canada Thistle (so called) was read and passed the Council, and ordered to be sent to the General Assembly to be passed into a Law of this State.

A Bill from the House was Rec<sup>d</sup>. appointing a Committee to join a Committee of Council for the purpose of forming a bill pointing out the mode to be pursued in adopting the amendmen<sup>t</sup>s to the Constitution of the United States; Resolved that M<sup>r</sup>. Arnold join said Committee.

An act annexing a part of New Haven to the City of Vergens having passed the General Assembly was read and Concurred.

An act to Empower William Gurley to Sell the real Estate of Royal Gurley only son to the Rev<sup>d</sup>. Ebenezer Gurley late of Guilford Deceased, having passed the General Assembly was read & Concurred.

Adjourned to 2 o'Clock P. M.

the said towns of Rutland and Windsor shall, at their own expence, furnish good and sufficient houses for the reception of the legislature; and shall provide for and entertain the members of the same on reasonable terms.



Met according to adjournment.

An act empowering John Barnes of Pittsford to Serve as first Constable of said Town, having passed the General Assembly was read & Concurred.

The University Act being returned from the House with their Concurrence with the amendments was again read and Concurred.

An act Granting a Lottery of the Sum of £200 for Erecting a Malt & Brew House in Withersfield, having passed the General Assembly was read and Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre on the Land in Smithfield for making roads, having passed the General Assembly was read & Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre of Land in Fairfield for making roads, having passed the General Assembly was read and Concurred.

An act in addition to an act for raising a Tax in Athens & appointing Two persons in addition to the former Committee, having passed the General Assembly was read & Concurred.

An act Granting a Tax on the Land in Hungerford of two pence p<sup>r</sup> acre, having passed the General Assembly was read and Concurred.

An act Granting a Tax of one penny on the list and Ratable Estate in the County of Windsor, having passed the General Assembly was read and Concurred.

An act Granting a Tax of Two pence p<sup>r</sup> acre of Land in Elmore, having passed the General Assembly, was read and Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre on all the Lands in Glosenbury [Glastenbury] having passed the General Assembly was read and Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre in the Township of South Hero having passed the General Assembly was read and Concurred.

An act for altering the line of Jurisdiction of the Towns of Salisbury & Leicester, having passed the General Assembly was read and Concurred.

An act to empower the Judges of the County Court to repair the Goal in Woodstock in the County of Windsor, having passed the Gen<sup>l</sup> Assembly was read and Concurred.

An act directing the Sitting of the adjourned Supreme Court, from Woodstock to Windsor, having passed the General Assembly, was read and Concurred.

An act Granting a Tax of one half penny on the pound in the County of Rutland having passed the General Assembly was read and Concurred.

An act in addition to an act for Regulating the admission of attorney<sup>s</sup> at the bar having passed the General Assembly was read and Concurred.<sup>1</sup>

An act for the payment of a Chaplain out of the avails of Fines & penalties laid by the Supreme Court, having passed the General Assembly was read & Concurred.<sup>2</sup>

Adjourned to 9 o'Clock Tomorrow.

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<sup>1</sup>Any person, if of good moral character and a competent knowledge of the law, was admissible on examination by the court and bar. Anterior to this act a certain term of residence had been required.

<sup>2</sup>The act was as follows:

*AN ACT appropriating monies therein mentioned.*

Whereas the people called quakers, living in this state, have petitioned the legislature, informing them that they feel a tenderness in their con-

THURSDAY 3<sup>d</sup> November 1791.

Met according to adjournment. Present as yesterday.

An act laying a Tax of one half penny p<sup>r</sup> acre on the Lands in Alburgh, having passed the General Assembly, was read and Concurred—adding Samuel Peckham to the Committee.

An act to Suspend any prosecution against John Lyman, having passed the General Assembly was read and Concurred.

An act to prevent the Groath of the Canada Thistle (so Called) having passed the General Assembly was read & Concurred.<sup>1</sup>

An act Granting a Lottery of five hundred and fifty pounds for the purpose of erecting a Bridge in Bethel over White River, having passed the General Assembly was read and Concurred.

An act Granting a Tax of 2<sup>d</sup> p<sup>r</sup> acre on the Land in Handcock, having passed the General Assembly was read and Concurred.

An act allowing the Sheriff of Windsor County [four deputies,] having passed the Gen<sup>l</sup> Assembly was read and Concurred.

An act empowering the Select Men of Hartford to Sell the real Estate of a *Negro Girl*, having passed the General Assembly was read & Concurred.

An act in addition to an act difining the powers of the Supreme & County Courts, having passed the General Assembly was read and Concurred.

An Act making certain Processes returnable in Windsor County valid in [law] having passed the General Assembly was read and Concurred.

An act removing certain cause pending in the County [Court] in Addison County to the Supreme [Court] having passed the General Assembly was read & Concurred.

An act Granting a Tax of one penny on Each acre of Land in Norfolk [part of Canaan,] having passed the General Assembly was read and Concurred.

An act Extending the time for the payment of Granting fees on the land Granted to General Moses Hazen in Moore Town having passed the General Assembly was read and Concurred.

An act Incorporating the East Society of Williston, a part of Jerico and N. Huntington into one Religious Society having passed the General Assembly was read and Concurred.

An act annexing General Jonathan Spafford to the west Society in Williston read and Concurred.

An act Granting a Lottery to the Inhabitents of Shrewsbury, having passed the General Assembly was read and Concurred.

An act Granting a Tax of Two pence p<sup>r</sup> acre on the land in Isle [la] Mott having passed the General Assembly was read and Concurred.

An act Granting a Land Tax in the Township<sup>e</sup> of Lyndon, Newark,

science with respect to paying taxes in the expenditure of which sums of money are paid to the chaplains of the general assembly; and whereas this legislature are ever willing to shew their readiness to comply with the reasonable requests of all such people as may think their rights of conscience infringed on: Therefore,

*It is hereby enacted by the general assembly of the state of Vermont,* That such sum as may be necessary for that purpose, be and is hereby appropriated out of the avails of the supreme court, and the treasurer of this state is hereby directed to govern himself accordingly.

<sup>1</sup> Every possessor of improved land was required to cut the thistles in the month of July or August in each year, on a penalty not exceeding thirty shillings for each neglect, with costs of prosecution.

and Random [Brighton] of Two pence p<sup>r</sup> acre, having passed the General Assembly was read and Concurred.

An act directing the Treasurer of this State in Issuing extents against the Collectors of State Taxes, having passed the General Assembly was read & Concurred.<sup>1</sup>

TREASURY OFFICE Windsor 22<sup>d</sup> Oct<sup>r</sup> 1791.

Then rec<sup>d</sup>. of John Kelly of the City of New York by the hands of *Stephen Jacob & M<sup>r</sup>. Abraham Bravoort* nine hundred and three dollars in silver being in full of the Granting fees upon thirty thousand one hundred acres of Land Granted the said John Kelly by the Legislature of the State of Vermont situate in the County of Chittenden in the said State, this being a duplicate of which I have signed an original of the Same Tenor and date.

Dollars 903.

Witness Present  
ABRAHAM BREVOORT  
STEPHEN JACOB

S. MATTOCKS Treas<sup>r</sup>.  
True Copy Exam<sup>d</sup>. & sent the Sec<sup>y</sup> of State  
by order of the Gov<sup>r</sup>.

Attest JOS. FAY Sec<sup>y</sup>.

DEBENTURE OF COUNCIL at their Session Holden at Windsor Commencing on the 13 day of October 1791 & Ending the 3<sup>d</sup> day of November following including boath days.

Hon<sup>ble</sup> Peter Olcott Esq<sup>r</sup>. L<sup>t</sup>. Gov<sup>r</sup>. £16 16 8, Samuel Safford Esq<sup>r</sup>. 9 4 0, Jacob Bayley 8 11 8, Thomas Porter 8 10 0, Ebenezer Walbridge 9 4 0, John Strong 9 4 0, Timothy Brownson 8 7 4, Jonathan Hunt 8 12 4, Luke Knoulton 6 7 4, Isaac Tichenor 6 1 4, Jonathan Arnold 9 0 8, Ebenezer Marvin 8 0 10, Joseph Fay Sec<sup>y</sup>. 11 8 0, William Sweetser Sheriff 6 13 8.—[Total] £127 0 8.

END OF OCTOBER SESSION FOR THE YEAR 1791.

Attest JOSEPH FAY Sec<sup>y</sup>.

The Secretary of the Council omitted to note concurrence in several House bills near the close of the session; which bills, however, were returned to the House concurred. Among these omissions was an act privileging state officers and members of both houses from arrest on civil process, during any session and while going to or returning therefrom. Another was the act ratifying the amendments to the federal constitution, proposed by Congress Sept. 25 1789.

<sup>1</sup> From the *Assembly Journal*, Nov. 3 1791 :

Resolved, That the Treasurer be, and he is hereby directed, to pay his Excellency the Governor of this State, thirty Spanish milled dollars, for defraying the expences of election day.

# SIXTEENTH COUNCIL.

OCTOBER 1792 TO OCTOBER 1793.

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THOMAS CHITTENDEN, Williston, *Governor*.

PETER OLCOTT, Norwich, *Lieutenant Governor*.

## *Councillors:*

TIMOTHY BROWNSON, Sunderland,  
JOHN FASSETT, jr., Cambridge,  
JACOB BAYLEY, Newbury,<sup>1</sup>  
THOMAS PORTER, Tinmouth,  
SAMUEL SAFFORD, Bennington,  
JOHN STRONG, Addison,

JONATHAN HUNT, Vernon,<sup>1</sup>  
EBEN'R WALBRIDGE, Bennington,  
LUKE KNOULTON, Newfane,  
JONA. ARNOLD, St. Johnsbury,  
EBENEZER MARVIN, Tinmouth,  
PAUL BRIGHAM, Norwich.

JOSEPH FAY, Bennington, *Secretary*.

JONATHAN BELL, Rutland, *Sheriff*.

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## BIOGRAPHICAL NOTICE.

PAUL BRIGHAM took his seat as Councillor at this session, for the first time, although he had been elected to the office in joint assembly on the 25th of October 1791. He received twenty-seven elections from the people of this State at large—one in 1792 as Elector of President and Vice President; five elections as Councillor, 1792—1796; and twenty-one as Lieutenant Governor, 1797 until 1813, and 1815 until his declination in 1820. During the adjourned session. Feb. 14 to March 10 1797, he presided in the absence of Gov. Chittenden, and on the death of the governor, Aug. 24 1797, Mr. Brigham became acting governor. The following obituary is from the *Vermont Republican and American Yeoman* of July 12 1824. The editor is indebted to a young lady of Montpelier, a descendant of Gov. Brigham, for both the obituary and a portrait.

Died at Norwich, on the 15th of June, [1824,] the Hon. PAUL BRIGHAM, late Lieut. Governor of Vermont, after a long and distressing illness which he bore with exemplary fortitude and resolution. In his death it falls to our lot to record an instance of mortality which not only his intimate friends, who best knew his worth, but the publick also have a right to deplore.

He was born at Coventry, in the state of Connecticut, January 17th, 1746. He was married Oct. 3d, 1767, to Miss Lydia Sawyer, with whom

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<sup>1</sup> Messrs. Bayley and Hunt did not take their seats.

he lived nearly fifty-seven years, and who survives, with four children, to mourn their irreparable loss.

In this mournful event we have occasion to weep for another of the departed worthies, by whom, with the blessing of heaven, our national independence was achieved. Previous to his acceptance of a commission of Captain in the Continental army, he had risen to that rank through every intermediate step from a corporal in the militia of his native state. It is a proof of his patriotism, that when he embarked in the war of the revolution, he had held the office of Captain long enough to be exempted by law from military duty. But he shrunk not in the hour of his country's danger. With many other champions of liberty, he entered the field to redeem the pledge of the signers of the declaration of independence, of 'their lives, their fortunes, and their sacred honor.' June 16th, 1777, he joined his regiment under the command of Col. Chandler, in Gen. McDougall's brigade. He fought under General Washington, in the battles of Germantown and Monmouth, and was in the detachment at Meed [Mud] Island by whom Fort Mifflin was a long time bravely defended against the land and naval forces of the enemy. Having served his country three years, the time for which he had been engaged, he returned to the enjoyment of his domestic circle.

In the year 1781 he removed with his family to Norwich, Vt. He there lived and died, respected for his republican simplicity of manners and ardent patriotism, and for many useful labours in the different stations to which he was elevated by his fellow citizens. In the military, he was promoted through every grade to a Major General. He was successively High Sheriff, Judge of Probate, [assistant] and Chief Judge of the Court of Windsor county. In the year 1796 he was elevated to the second office in the gift of the people, under the administration of his Excellency Thomas Chittenden, the first Governor of the State. He was retained by their suffrages twenty-four years, with the interruption of two years—1813 and 14. If any thing can evince the estimation in which he was holden, it is the uniform result of the election in his favour for such a length of time, during the political changes which the State experienced. In the year 1820, at the age of seventy-four, when his gray hairs were covered with honors, and it was no longer desirable to himself to retain the office, he, with his venerable associate Gov. Galusha, declined a re-election. He retired to the shades of private life, to witness in the evening of his days the happy effects of the laws which he had assisted in framing; and to reap the rewards of his faithful services in the esteem of a free and enlightened people.

It would be great injustice to his memory to forget his active zeal in support of the institutions of religion. He was a firm believer in the truths of the Christian revelation. The faith which he possessed at an early period, had a salutary influence upon his life, and yielded him support in the hour of death. He contemplated his approaching dissolution without dismay, and resigned himself to the will of God in the hope of a resurrection to eternal life.

His funeral was attended on the 17th, at which, after the customary religious services, his remains were accompanied to the grave with every demonstration of respect by a military escort and a large concourse of citizens from Norwich and the vicinity.

In addition to the offices above recited, Mr. Brigham was a representative of Norwich in the General Assembly in 1783, 1786, and 1791; and delegate in the Constitutional Conventions of 1793, 1814, and 1822.

## RECORD OF THE GOVERNOR AND COUNCIL

AT THE

OCTOBER SESSION OF THE GENERAL ASSEMBLY AT RUTLAND, 1792.

STATE OF VERMONT, IN COUNCIL, Rutland, October 11<sup>th</sup>. 1792.

At a General Election of the Governor, Lieutenant Governor, Council and Treasurer, Present His Excellency Governor Chittenden, His Honor L<sup>t</sup> Governor Olcott, and the following members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> Timothy Brownson Thomas Porter Samuel Safford Ebenezer Walbridge John Strong Luke Knoulton Jonathan Arnold Ebenezer Marvin Paul Brigham. Joseph Fay, Sec<sup>y</sup>. Jonathan Bell, Sheriff.

Resolved that a Committee of six be appointed to join a Committee of the Gen<sup>l</sup> Assembly to receive, sort and Count the votes of the Freemen for Governor, L<sup>t</sup> Governor, Twelve Councillors and Treasurer for the year Ensuing and to make report—Members chosen, Mess<sup>rs</sup>. Arnold, Walbridge, Brigham, Safford, Porter, and Brownson.

The Committee of both Houses Reported the following persons to be duly Elected, which are as follows, viz<sup>t</sup> His Excellency Thomas Chittenden Esq. Governor, His honor Peter Olcott Esq. L<sup>t</sup> Gov. Hon<sup>ble</sup>. Samuel Mattocks Esq. Treasurer; Hon<sup>ble</sup> Samuel Safford Jonathan Hunt Paul Brigham Ebenezer Walbridge Jonathan Arnold Luke Knoulton John Strong John Fassett Timothy Brownson Jacob Bayley Ebenezer Marvin Thomas Porter Members of Council.

Adjourned to 9 o'Clock Tomorrow.<sup>1</sup>

FRIDAY 12<sup>th</sup> October 1792.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup> Gov. Olcott, and the following Members of

<sup>1</sup> It appears from the following document that the state officers and legislators were duly honored on this occasion by the militia:

GENERAL ORDERS, *given at Head Quarters, Rutland, 12th October 1792.*

His Excellency the commander in chief returns his thanks to Major Clark, and the officers and troops under his command, for their polite attention shewn to him on his arrival in town yesterday; and expresses his approbation of their conduct through the different evolutions of the day. He observes (with satisfaction) the progress in point of discipline and order amongst the troops of this state; a strict adherence to which, joined with our encresing numbers, cannot fail to render the state respectable, and afford the best security to our liberties.

By his excellency's command, JOSEPH FAY, *Adjutant General.*

The election sermon was preached by Rev. Caleb Blood, of Shaftsbury.

the Hon<sup>ble</sup>. Council viz<sup>t</sup> Tim<sup>o</sup>. Brownson John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Luke Knoulton Jonathan Arnold Ebenezer Marvin Paul Brigham. Joseph Fay Secy Jonathan Bell *Sherriff*.

Having no particular business to Transact the Council adjourned to 2 o'Clock P. M.

Met according to adjournment.

A bill from the House was rec'd appointing a Committee to join a Committee of Council for the purpose of Making the necessary arrangement of the necessary business to be Transacted during the present Session—Resolved that M<sup>r</sup>. Marvin join said Committee.

The following requisition was rec'd from the Council of Censors now sitting in this place viz<sup>t</sup>

IN COUNCIL OF CENSORS Oct. 12, 1792.

Resolved that M<sup>r</sup>. Beriah Lommis be directed to wait on the Secretary of Council, and request the journals of that Hon<sup>ble</sup>. Body for the last Septenary for the Inspection of the Council of Censors.

A True Copy.

Attest Ros<sup>t</sup>. HOPKINS Secy.

Resolved that the Secretary of Council be and he is hereby directed to Diliver the journals of Council for the last Septenary agreeable to the above requisition.

Adjourned to 9 o'Clock Tomorrow.

SATURDAY 13<sup>th</sup>. October 1792.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup>. Governor Olcott, and the following members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> Timothy Brownson John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Luke Knoulton Jonathan Arnold Ebenezer Marvin Paul Brigham. Joseph Fay Secy Jonathan Bell *Sherriff*.

A Petition signed by Enos Wood Sheriff's Deputy within and for the County of Chittenden, praying for Compensation for his Time expences and sufferings of himself & two other men, who were taken prisoners while in the due execution of h.s office by a British Guard and Caried prisoners to St Johns, having been read in General Assembly & a Committee appointed thereon to join a Committee of Council, Resolved that M<sup>r</sup>. Strong join said Committee.<sup>1</sup>

Hon<sup>ble</sup> Timothy Brownson requested Leave of Absence to visit his son who is sick at Onion river. Ordered that he [have] leave accordingly.

A bill from the House was rec'd appointing Mess<sup>rs</sup>. J. Robinson, Hunt, Stevens, Cogswell, Harvey, Whitney, & Harrington, to be a Committee to join a Committee from the Council to arrange the Militia of this State agreeably to the late act of Congress. Resolved that Mess<sup>rs</sup>. Walbridge & Brigham join said Committee for the purposes therein mentioned.

A bill from the House was rec'd appointing Mess<sup>rs</sup>. Armes, D. Sheldon, Spencer, Marsh, Porter, Painter & Stannard, to be a Committee to join a Committee from the Council to take under consideration all petitions for Land Taxes, state facts & make report. Resolved that M<sup>r</sup>. Safford join said Committee.

A bill from the House was rec'd appointing Mess<sup>rs</sup>. E. Robinson, Stevens, Williams, J. Robinson & Mix, to be a Committee to join a Com-

<sup>1</sup> See Appendix E.

mittee from the Council to take under consideration all petitions for Lotteries and make report. Resolved that Mr. Walbridge join said Committee.

Resolved that the Council proceed to Elect a Secretary of Council. The Ballots being taken Joseph Fay was declared to be duly Elected & sworn accordingly.

Adjourned to 9 o'clock P. [A.] M. Monday next.

MONDAY 15 October 1792.

Met according to adjournment. Present His Excellency Governor Chittenden, his honor Lt Governor Olcott, and the following Members of the Hon<sup>ble</sup> Council viz<sup>t</sup> John Fassett Thomas Porter Samuel Safford John Strong Eben<sup>r</sup> Walbridge Luke Knoulton Jonathan Arnold Eben<sup>r</sup> Marvin Paul Brigham. J. Fay Secy. Jon<sup>a</sup> Bell Sheriff.

The Governor & Council proceeded to the House of Assembly for the purpose of Communicating several Letters & papers which his Excellency had rec'd in the recess of Assembly, which was accordingly done and the papers Lodged with the Clerk.<sup>1</sup>

<sup>1</sup> From the printed *Assembly Journal*, Oct. 15 1792:

The Governor and Council appeared in the House—when his Excellency made the following communications, viz.

1st. A letter from Joseph Fay, Esq. to the honorable Moses Robinson, Esq. at Philadelphia, dated 7th January, 1792.

2d. A letter from the Hon. Moses Robinson, Esq. to his Excellency the Governor, dated at Philadelphia, 29th Feb. 1792.

3d. Another letter from Hon. Moses Robinson, Esq. to his Excellency the Governor, dated 5th July, 1792.

4th. Copy of instructions from his Excellency the Governor, to Mr. Stanton, directing him to proceed to Alburgh, and make enquiry relative to Enos Wood, Deputy-Sheriff for the county of Chittenden, being taken by a British guard, and conveyed to St. John's, [Canada.]

5th. A copy of a letter from his Excellency Governor Chittenden, to his Excellency Alured Clarke, Governor of the Province of Quebec, requesting an explanation of the conduct of the aforesaid British guard.

6th. Directions to Levi Allen, Esq. to proceed to Quebec, with the above mentioned letter.

7th. A letter from his Excellency Edward Telfair, Governor of the State of Georgia, including a resolution of said State, in which they had instructed their Members in the Senate of the United States, to use their influence that the doors of the Senate be open, while acting in their legislative capacity, except when the interest of government might require them to be shut.\*

8th. A copy of a letter from his Excellency the Governor, to the President of the United States, informing him of the conduct of the British guard aforesaid

9th. A letter from his Excellency Governor Clarke, to his Excellency Governor Chittenden, in answer to the letter above cited.

10th. A copy of another letter from his Excellency Governor Chittenden, to the President of the United States, enclosing a copy of Governor Clarke's letter.

11th. Two letters from the Hon. Thomas Jefferson, Esq. Secretary of the United States, dated the 9th and 12th July, 1792, in which were sun-

\*A rule to this effect was proposed Jan. 3 1793, and defeated Feb. 4, 18 to 10. The Senate did not sit in open session until Feb. 20 1794.



A bill from the House appointing Mess<sup>rs</sup>. Shumway, I. Smith & Olin a Committee to take under consideration the 12<sup>th</sup> & 13<sup>th</sup> articles in the report of the Committee in their report of arrangement [of business] viz<sup>t</sup> "That the justices' act be revised, and that the act for the prevention and punishment of frauds & perjuries be revised," to join a Committee from the Council and make report. Resolved that Mess<sup>rs</sup>. Knoulton & Walbridge join said Committee.

Adjourned to 9 o'clock Tomorrow.

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TUESDAY 16 October 1792.

Met according to adjournment. Present His Excellency Gov. Chittenden, his honor Lt Gov<sup>r</sup>. Olcott, and the following Members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Luke Knoulton Jonathan Arnold Ebenezer Marvin Paul Brigham. Joseph Fay Sec<sup>y</sup>. Jonathan Bell Sh<sup>ff</sup>.

A bill from the House was rec<sup>d</sup> appointing Mess<sup>rs</sup>. Farrand, I. Smith and E. Sheldon a Committee to join a Committee from the Council to take under consideration the several Letters communicated by His Excellency the Gov<sup>r</sup> to the Council & Assembly—Resolved that M<sup>r</sup>. Strong join s<sup>d</sup> Committee.—[See *Appendix E*.]

A petition Signed David Stanton in behalf of himself & the Inhabitents of Alburgh, praying to be Exempt from Taxes the year ensuing, on acc<sup>t</sup> of their Crops being destroyed by a hail Storm—having been read in General Assembly, & Mess<sup>rs</sup>. Farrand, I. Smith, & E. Sheldon app<sup>d</sup> a Committee to join a Committee of Council.—Resolved that Mess<sup>rs</sup>. Marvin and Strong join said Committee.

The Governor and Council proceeded to the House of Assembly at the request of the Board of Trust for the University of Vermont, and after communicating to them a dispute between the Board & General Ira Allen relative to three Thousands pounds value in Land Subscribed by said Allen, and having conferred some time on the business, the House proposed to join the Governor and Council in Grand Committee which was agreed to for the purpose of taking the sense of the Legislature relative to the donation of General Ira Allen, and also for the purpose of Electing County officers, His Excellency the Governor in the

dry papers enclosed, relative to the disturbances occasioned by the above-mentioned British guard.

12th. Sundry affidavits relative to the above communication.

13th. A letter from William Eaton, Esq. late Clerk of the Assembly, relative to the report of a Committee appointed on the subject of opening a water communication between Lake-Champlain and North-River, and for rendering Connecticut-River navigable.

The above communications being read, were all referred to Mess<sup>rs</sup>. Farrand, I. Smith, and E. Sheldon [Elisha Sheldon,] to join such Committee as the Council shall appoint, to state facts and make report—except the letter, and resolution accompanying it, from his Excellency Edward Telfair, Esquire; as also the letter from William Eaton, Esquire, upon which no order was taken.

Mr. Strong was joined from the Council.

For documents named in numbers 4, 5, 6, 8, 9, 10, and 11, see *Appendix E*; and for papers on the subjects named in number 13, see *Appendix D*.

Chair, Joseph Fay Clerk, after which the Committee proceeded on the business aforesaid which are entered at Large in the journals of the House.<sup>1</sup> The Committee having adjourned until Tomorrow Morning 9 o'Clock the Governor & Council returned to the Council Room & not having any business from the House adjourned to 9 o'Clock Tomorrow Morning.

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WEDNESDAY 17<sup>th</sup> [October] 1792.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup> Governor Olcott, and the following Members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Luke Knoulton Jonathan Arnold Ebenezer Marvin Paul Brigham. Joseph Fay Sec<sup>y</sup>. Jonathan Bell Sheriff.

A bill from the House was rec'd appointing a Committee to join a Committee of Council to report an act to Enable Creditors to recover debts from absconding Debtors, and report the necessary alterations to be made in the act directing the Levying and Serving executions. Resolved that his honor L<sup>t</sup> Governor Olcott join said Committee.

A bill from the House was rec'd appointing a Committee to join a Committee of Council for the purpose of revising the Law for appointing an Attorney General, and regulating his office and duty, and to make a report of the necessary alterations in the act for the settlement of Testate & intestate Estates.—Resolved that M<sup>r</sup>. Strong and M<sup>r</sup>. Knoulton join said Committee.

A Bill from the House was rec'd appointing a Committee from Each County to join a Committee of Council for the purpose of reporting an act for regulating & Encourageing useful Manufactories within this State, and an act laying a duty on writs and Civil processes, for the use of Schools.—Resolved that M<sup>r</sup>. Safford join said Committee.

A Bill from the House was rec'd appointing a Committee to join a Committee of Council, to make an addition & amendment to the act regulating Civil processes & proceeding in civil causes. Resolved that M<sup>r</sup>. Safford join said Committee.

The petition of Charles Goodrich & Joseph Durkee in behalf of themselves and the proprietors of Stockbridge & Pittsfield, praying for Compensation on acc<sup>t</sup> of said Townships not containing the full quantity of Land, having been read in General Assembly, & Mess<sup>rs</sup>. Denison, Edson, Train, Nichols & Emmons appointed a Committee to join a Committee of Council—Resolved that M<sup>r</sup>. Porter join said Committee to take said petition under consideration & report thereon.

A petition signed by Solomon Norton, and Seth Crow of Poultney, praying for Compensation for the loss of thirty-six acres of Land which has fallen into the State of New York by the late settlement of the boundary line between the Two States, having been read in General Assembly & Mess<sup>rs</sup>. Hunt, Shumway & E. Robinson appointed to join a Committee of Council—Resolved that M<sup>r</sup>. Fassett join said Committee.

A petition signed by Benjamin Reynolds praying for an allowance on acc<sup>t</sup> of his Estate being confiscated for Enimical conduct against the United States, having been read in General Assembly and Mess<sup>rs</sup>. Shumway, Hunt, & E. Robinson appointed to join a Committee of Council, Resolved that M<sup>r</sup>. Fassett join said Committee.

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<sup>1</sup>For proceedings on the disagreement of Allen and the Trustees of the University, see printed *Assembly Journal* of 1792, pp. 19, 20, 58.

A petition signed Asa Smith praying for compensation for losses sustained on acct<sup>t</sup> of his loss of Lands purchased in Clarindon of Col<sup>o</sup> Claghorn Commissioner, having been read in General Assembly, & Mess<sup>rs</sup> Campbel, Fletcher and Sanders appointed a Committee to join a Committee of Council—Resolved that M<sup>r</sup> Arnold join said Committee.

Adjourned to 9 o'Clock Tomorrow.

#### THURSDAY 18<sup>th</sup> October 1792.

Met according to Adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup> Governor Olcott, and the following members of the Hon<sup>ble</sup> Council viz<sup>t</sup> John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Luke Knoulton Jonathan Arnold Ebenezer Marvin Paul Brigham. Joseph Fay Sec<sup>y</sup>. Jonathan Bell Sheriff.

The Governor & Council having attended in Grand Committee yesterday, the Hon<sup>ble</sup> Samuel Knight Esquire was duly Elected chief judge of the Supreme Court, and the Hon<sup>ble</sup> Elijah Payne [Paine] & Isaac Tichenor Esquires were duly Elected side judges. Having adjourned until this morning, the Committee met and took under consideration the petitions of Mess<sup>rs</sup> Haswell & Rogers praying for Loan of Money on acct<sup>t</sup> of their having unfortunately their printing office & distillery consumed by fire; after taking a Resolution not to Loan Money for private use the Committee Adjourned until 9 o'Clock Tuesday next.

The Hon<sup>ble</sup> Samuel Mattocks Esquire, Treasurer, appeared before the Governor & Council & was duly qualified to serve in that office by taking the necessary Oaths required by Constitution; The said Treasurer also as principle [principal.] and the Hon<sup>ble</sup> John Strong and Nathaniel Chipman Esquires as sureties, was recognized in due form of Law in the sum of Ten thousand pounds Lawful Money to the Secretary of State for the faithful performance of his duty in his said office of Treasurer. £10,000.

Attest, JOSEPH FAY Sec<sup>y</sup>.

A petition signed William Gallup, praying to have one thousand Dollars paid to him, in consequence of that sum being put into Loan office in the year 1778, on condition of being paid in Land in Hartland belonging to White Head Hicks &c. having been read in General Assembly, was Committed to Mess<sup>rs</sup> Lyon, Painter & Harvey to join a Committee of Council; Resolved that his honor Governor Olcott join said Committee.

A petition from fifty-one petitioners of the Episcopal Church, praying that the Glebe Lands in the several Towns may be put into the hands of a Committee of the Church, having been read in General Assembly & Committed to join a Committee of Council, Resolved that Mess<sup>rs</sup> Safford and Marvin join said Committee.<sup>1</sup>

Adjourned to 9 o'Clock Tomorrow.

#### FRIDAY 19<sup>th</sup> October 1792.

Met according to Adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup> Governor Olcott, and the following members of the Hon<sup>ble</sup> Council, viz<sup>t</sup> Timothy Brownson John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Luke Knoulton Jonathan Arnold Ebenezer Marvin, Paul Brigham. Joseph Fay Sec<sup>y</sup>. Jonathan Bell Sheriff.

<sup>1</sup> For a history of this matter, see *The Documentary History of the Protestant Episcopal Church in Vermont*, by C. R. Batchelder, 1870.

A Message from the House was rec'd by Doct<sup>r</sup> Campbel, requesting the Governor & Council to join in Grand Committee on the Subject of a Bankrupt Act. The Governor & Council having joined the House in Grand Committee on the Subject of passing a Bankrupt Act, which terminated by a Resolution that this State have no right to make [such an] Act.

A bill from the House was rec'd appointing Mess<sup>rs</sup> [Calvin] Knoulton, Greene, [Lemuel] Chipman, Woodbridge, Denison and Hall, to be a Committee to join a Committee from the Council, to revise the act Entituled an act regulating Gaols and Gaolers; Resolved that Mess<sup>rs</sup> Marvin & Knoulton join said Committee.

A petition signed Daniel Marsh praying for the repeal of a certain act passed in the year 1785 nullifying a certain judgment of Court by which he has lost his farm in Clarindon, said petition being referred to this Session of Assembly, and Mess<sup>rs</sup> Bigelow, Lynde, & Dana appointed a Committee to join a Committee of Council, Resolved that M<sup>r</sup> Strong join said Committee.

An act for raising £160 by Lottery for compleating the Court House in Rutland was rec'd and ordered to lie on the Table until Tomorrow.

A petition signed Joseph Baker praying for relief on acct of a dispute subsisting between him & Col<sup>o</sup> Jacob Davis, wherein said Davis has recovered a Judgment [for] £1155. 14. 6, said petition having been read in General Assembly and Committed to Mess<sup>rs</sup> Olin, Bigelow, Fletcher, Sanders, & Williams, to join a Committee of Council, whereupon resolved that Mess<sup>rs</sup> Walbridge and Fassett join said Committee.

A petition signed Jacob Sheldon praying for Compensation for his losses on acct of Land Bought of the State in Reuport, having been read in General Assembly & Committed to Mess<sup>rs</sup> Field, Train, and Hubbard to join a Committee of Council, whereupon Resolved that M<sup>r</sup> Brownson join said Committee.

The petition of Charles Goodrich praying compensation for the deficiency of Lands in the Townships of Pittsfield & Handcock, having been read in General Assembly & a Committee appointed to join a Committee of Council, which Committee have reported that the prayer thereof ought not to be Granted, whereupon a Second Committee was appointed to join a Committee of Council to take said petition under further consideration, state facts and report—Resolved that M<sup>r</sup> Porter join said Committee.

An act restoring Benjamin Purdy Ju<sup>r</sup> to the priviledge of Law, in a Cause depending Between said Purdy and David Lee, having passed the General Assembly was read and Concurred.

The Hon<sup>ble</sup> Major General Samuel Safford made a formal Resignation of the office of Major General of the 2<sup>d</sup> Division of the Militia of this State, which was accordingly accepted by the Captain General, who by the advice of Council will notify the same to the General Assembly & request the vacancy to be filled according to Constitution.

Hon<sup>ble</sup> John Fassett Esquire requested leave of absence until Tuesday next, which was accordingly Granted.

On the representation of General Samuel Safford, and General John Strong, who were appointed a Committee to receive the Granting fees of the Township of Brownington, it appears that there was three names omitted in the Charter of said Town, and that it appears that the omission [omission] was occasioned by the procurement of Timothy Brown, Esquire agent, for said proprietors, either thro' mistake or otherwise—And as the Charter is yet in the hands of the Secretary of Council—Therefore Resolved that the said Timothy be notified that unless he shall appear before the Council within eight days and see the mistake

rectified, the said three names will be entered in said Charter.—The names Omitted are Noah Chittenden, Thomas Tolman, & Stephen Pearl.

The foregoing Resolution sent by Judge Fassett.

Adjourned to 9 o'Clock Tomorrow.

SATURDAY 20<sup>th</sup> October 1792.

Met according to adjournment. Present His Excellency Governor Chittenden, his honor L<sup>t</sup> Governor Olcott, and the following members of the Hon<sup>ble</sup> Council viz<sup>t</sup> Timothy Brownson Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Luke Knoulton Jonathan Arnold Ebenezer Marvin Paul Brigham. Joseph Fay *Sec<sup>y</sup>*. Jonathan Bell *Sheriff*.

An act Granting a Lottery of £160 for Compleating the Court House in Rutland was ordered to lie until Tuesday next.

An act dividing the Township of Fairhaven into two Towns, having passed the General Assembly was read and Concurred.

A petition signed *Charles Ward Abthorp* [Apthorp,] by his Attorney Ammasa Payne, praying for Leave to amend his declaration in Identifying a certain piece of Land in Woodstock which is in dispute, and an action now pending in Windsor County Court, having been read in the House & committed, Resolved that Mess<sup>rs</sup> Arnold & Safford join said Committee.

Adjourned to 9 o'Clock Monday next.

MONDAY 22<sup>d</sup> October 1792.

Met according to adjournment. Present His Excellency Governor Chittenden, his Honor L<sup>t</sup> Governor Olcott, and the following members of the Hon<sup>ble</sup> Council, as usual. [Probably as on the preceding Saturday.]

Having no business from the House, Adjourned until 9 o'Clock Tomorrow.

TUESDAY, IN COUNCIL, 23<sup>d</sup> October 1792.

Met according to Adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup> Governor Olcott, and the following members of the Hon<sup>ble</sup> Council viz<sup>t</sup> Timothy Brownson Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Luke Knoulton Jonathan Arnold Ebenezer Marvin Paul Brigham. Joseph Fay *Sec<sup>y</sup>*. Jonathan Bell *Sheriff*.

The following resolution was rec'd from the House viz<sup>t</sup>

IN GENERAL ASSEMBLY October 20<sup>th</sup> 1792.

Resolved that His Excellency the Governor with advice of Council be requested to appoint Thursday the sixth day of December a day of public Thanksgiving throughout this State.

Attest, R. WHITNEY *Clerk*.

The Governor & Council joined in Grand Committee according to adjournment for the purpose of Completing Orange County Election. Said County not being ready, the Committee adjour<sup>d</sup> until next Friday morning, at which time the Committee will proceed to appoint a Major General of the Militia of the 2<sup>d</sup> Division in this State in lieu of the Hon<sup>ble</sup> Major General Samuel Safford Resigned.

Resolved that the Rev<sup>d</sup> Doct<sup>r</sup> Williams be requested to make a Draught of a Proclamation for a public day of Thanksgiving thro'out this State.

An act Granting a Lottery of £160 for the purpose of Completing the new Court House in Rutland, having passed the General Assembly was read and Concurred.

A message from the House by Mr. Spencer was rec'd requesting the Governor & Council to join the House in Grand Committee to take under Consideration the Settlement with General Allen, which Took up the whole day, after which the Council returned & adjourned until 9 o'clock Tomorrow, to which time the Committee also adjourned.<sup>1</sup>

### WEDNESDAY 24 October 1792.

Met according to adjournment. Present as yesterday.

The Governor & Council joined the House in Grand Committee on the account of General Ira Allen; after a full hearing by Mr. Tichenor Council [counsel] on the part of the State—and Mr. Buck Council for Mr. Allen, the Committee passed a resolution recommending to the General Assembly that the Sense of the Committee was that the State was not Indebted to General Allen neither in Law or equity, & that the Treasurer be directed to Call on General Allen for one thousand Dollars paid to him by order of the General Assembly in October last; whereupon the Committee dissolved, and the Council adjourned to 9 o'clock Tomorrow.<sup>1</sup>

### THURSDAY 25 October 1792.

Met according to adjournment. Present His Excellency Gov<sup>r</sup>. Chittenden, His honor Lt Governor Olcott and the following members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> Timothy Brownson John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Luke Knoulton Jonathan Arnold Ebenezer Marvin Paul Brigham. Joseph Fay Sec<sup>y</sup>. Jon<sup>as</sup>. Bell Sherriff.

An Act for Incorporating the Townships of Fairfield & Bakersfield into two Townships having passed the General Assembly, and having remained in Council until it became a Law—Resolved that Mr. Fassett return said act to the General Assembly and request them to reconsider said Act and take into consideration a different Division of said Towns and other Towns adjoining.

An Act Granting to William Page & Lewis R. Morris the exclusive right of Locking Bellows Falls having passed the General Assembly was read and Concurred with several amendments written and annexed thereto.<sup>2</sup>

Adjourned to 9 o'clock Tomorrow.

### FRIDAY 26 October 1792.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor Lt Governor Olcott, and the following members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> Timothy Brownson John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Luke Knoulton Jonathan Arnold Ebenezer Marvin Paul Brigham. Joseph Fay Sec<sup>y</sup>. Jonathan Bell Sherriff.

<sup>1</sup> See printed *Assembly Journal* of 1792, pp. 48–52.

<sup>2</sup> See *Appendix D*.

The following certificate rec'd from the Treasurer & ordered to be recorded viz<sup>t</sup>

TREASURER'S OFFICE, Rutland October 25 1792.

This may certify that Samuel Avery Esquire hath paid into the Treasury eighty-seven pounds ten shillings in specie for 9,723 acres of Land lying northerly and adjoining to Lands Granted to John Kelly Esq<sup>r</sup> it being in full therefor, the same being receipted to said Avery.

SAMUEL MATTOCKS *Treas<sup>r</sup>*.

True copy sent to the Sec<sup>y</sup> of State. Attest, JOSEPH FAY *Sec<sup>y</sup>*.

Agreeable to the order of the day the Governor and Council joined the House in Grand Committee for the purpose of Electing civil officers for the County of Orange; the nomination was read and passed the House, after which Joseph Tyler Esq<sup>r</sup> of Townsend was Elected justice of the Peace within and for the County of Windham—Asa Briggs & John Lord was Elected Justices of the Peace for the County of Windsor—Jonathan Fisk was Elected justice of the Peace Within & for the County of Chittenden. James Whitlow [Whitelaw] Esq<sup>r</sup> was Elected Surveyor General for the year ensuing.—Isaac Tichenor Esq<sup>r</sup> was Elected Major General of the 2<sup>d</sup> Division of the Militia of this State vice Gen<sup>l</sup> Safford resigned.

An act Incorporating Cavendish Grammar School, having passed the General Assembly was read and Concurred.

A petition signed Samuel Atly [Atbee] praying for an Act of Insolvency, having been read in General Assembly, and Committed to Mess<sup>rs</sup> Harvey, Thompson, and Greene, to join a Committee of Council, State facts and make report—Resolved that M<sup>r</sup> Fassett join said Committee.

Adjourned until 9 o'Clock Tomorrow.

SATURDAY 27 October 1792.

Met according to adjournment. His Excellency the Governor, Lt Governor & Members of Council as yesterday.

A petition Signed Aaron Parmalee of Weybridge, having been read in General Assembly and Committed to join a Committee of Council—Resolved that M<sup>r</sup> Fassett join said Committee.

A petition signed Thomas Chandler, praying for an Act of Insolvency, having been read in General Assembly & Committed to join a Committee of Council—Resolved that M<sup>r</sup> Walbridge join said Committee.

A petition signed Thomas Payne, praying for an Act of Insolvency, having been read in General Assembly and Committed to join a Committee of Council—Resolved that M<sup>r</sup> Walbridge join said Committee.

A petition signed John Cramer, praying for an Act of Insolvency, having been read in General Assembly and Committed to join a Committee of Council—Resolved that M<sup>r</sup> Walbridge join said Committee.

A petition signed Elijah S. Hollister, praying for an Act of Insolvency, having been read in General Assembly and Committed to join a Committee of Council—Resolved that M<sup>r</sup> Safford join said Committee.

Adjourned to 10 o'Clock Monday next.

MONDAY 29<sup>th</sup> October 1792.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor Lt Governor Olcott & the following members of the Hon<sup>ble</sup> Council the same as yesterday [Saturday.]

His honor Judge Knoulton Obtained Leave of Absence during the present Session.

An act Granting Anthony Haswell Leave to raise £200 by Lottery, having been read and passed in General Assembly, was read and Concurred.

An act Granting to Jabez Rogers Leave to raise by Lottery the sum of £1,200, having passed the General Assembly, was read & Concurred.

An act altering the name of *Tomlinson* to that of *Grafton*, having passed the General Assembly, was read and concurred.

An act discharging Samuel Atley from his Debts having passed the General Assembly was read and concurred.

An act annexing Walden Gore to Danville, having passed the General Assembly was read and Concurred.

A bill from the House was rec'd appointing Mess<sup>rs</sup> [Lemuel] Chipman, D. Sheldon, Hunt, E. Robinson & Thompson to be a Committee, to join a Committee of Council, to take under consideration the expediency of Dividing the Counties of Orange & Chittenden—Resolved that M<sup>r</sup>. Olcott & M<sup>r</sup>. Strong join said Committee.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

An act Granting to Levi Pease the exclusive right of Running a Stage from Springfield to Dartmouth College, having passed the General Assembly, was read and Concurred.

A message from the House was rec'd requesting the Governor and Council to join the House in Grand Committee tomorrow morning to take under consideration the several Claims of those persons who have purchased Lands of the Commissioners of sales, and Creditors to Estates so confiscated.

Adjourned to 9 o'Clock Tomorrow.

#### TUESDAY IN COUNCIL, 30 October, 1792.

Met according to adjournment. His Excellency Governor Chittenden Present, & his honor L<sup>t</sup> Governor Olcott & the following members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> Tim<sup>o</sup>. Brownson John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Arnold Ebenezer Marvin Paul Brigham. Joseph Fay Sec<sup>y</sup>. Jonathan Bell Sheriff.

Agreeable to the order of the day, the Governor and Council joined the House in Grand Committee for the purpose of Taking under Consideration the making compensation to persons who have purchased confiscated Estates whose Titles have not proved Good, & for paying to persons debts due from confiscated Estates. His Excellency the Governor in the Chair, Joseph Fay Clerk. Whereupon the Committee proceeded as Entered on the journals of the House.<sup>1</sup>

Adjourned to 2 o'Clock P. M.

<sup>1</sup> From the printed *Assembly Journal*, Oct. 30 1792, A. M.

The House met pursuant to adjournment, when, agreeably to the order of the day, his Excellency the Governor, and Council, appeared in the house, and joined in Grand Committee, for the purpose of taking under consideration the several claims of those persons who have purchased lands of the Commissioners of sales of confiscated estates, and whose titles have failed—and also the claims of the creditors to estates so confiscated. His Excellency the Governor in the chair. Joseph Fay, Clerk. On motion, Resolved, as the opinion of this Committee, That they recommend to the Legislature of this State, to make compen-



Met according to adjournment & proceeded to join the House in Grand Committee, agreeable to adjournment, to take under consideration the subject of Allowing and paying Debts due from persons whose Estates have been confiscated to the use of this State—Whereupon Resolved to recommend to the Legislature that no such debt or Claims whatever ought in justice or equity to be paid.

Resolved that Andrew Barton Jur<sup>r</sup> and Joel Barber be and they are hereby appointed justices of the peace within & for the County of Addison.

An act empowering the administrators of Seth Keeler Deceased to give deeds, having passed the General Assembly, was read and concurred.

An act Establishing (for the time being) the rate to which printing business for the State shall be done, having passed the General Assembly was read & Concurred.

An act confirming the Choice of a First Constable in the South district of Wardsborough, having passed the General Assembly, was read & Concurred.

An act Laying a Tax on the County of Rutland of one penny on the pound, having passed the General Assembly, was read & Concurred.

An act in addition to an act to amend an act Levying [a tax] in Burlington, having passed the General Assembly was read and Concurred.

An act Incorporating Jacksons's Gore and part of Ludlow into one district, having passed the General Assembly was read & concurred.

Adjourned to 9 o'Clock Tomorrow.

#### WEDNESDAY 31<sup>st</sup> October 1792.

Met according to adjournment. Present as yesterday.

An act discharging Daniel Stanton from his Creditors having passed the General Assembly, was read and Concurred.

Hon<sup>ble</sup>. Ebenezer Walbridge requested Leave of absence during the present Session, which was accordingly Granted.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

On a bill from the House appointing Mess<sup>rs</sup>. Williams, Greene, & Farland to join a Committee of Council to take under Consideration & report a General Act of Insolvency, Resolved that his honor [Lieut.] Govern<sup>r</sup>. Olcott join s<sup>d</sup>. Committee

Adjourned to 9 o'Clock Tomorrow.

#### THURSDAY 1<sup>st</sup> November 1792.

Met according to adjournment. Present His Excellency Governor Chittenden, his hon<sup>r</sup>. L<sup>t</sup>. Gov<sup>r</sup>. Olcott & the Members of Council as yesterday.

An act in addition to an act in alteration of an act Incorporating the Members of the Athens Grammar School into a Society, having passed the General Assembly was read and Concurred.

An act Granting a Land Tax of 2<sup>d</sup> p<sup>r</sup> acre on the Township of Windsor having passed the General Assembly was read & Concurred.

sation to those persons who have purchased lands of Commissioners of sales of confiscated estates, and who have been ejected off said lands, where, upon examination, the justice and equity of their claim may require it. Adjourned to 2 o'clock P. M.

An act empowering the Supreme Court to Grant a New Tryal to Jacob Sherwin, having passed the General Assembly was read and concurred, with amendments.

An act annexing part of Alburgh to the Town of Highgate, having passed the General Assembly was read and concurred.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

An act Granting to Frye Bayley Esq<sup>r</sup>. £12 4 0, having passed the General Assembly was read & Concurred.

An acc<sup>t</sup> exhibited by Levi Allen for going to Quebec express by order of Governor Chittenden, having been read and committed by the House to Mess<sup>rs</sup>. Olin, Lynde & Harvey to join a Committee of Council, Resolved that Mr. Porter join said Committee.

A bill from the House was rec'd appointing Mess<sup>rs</sup>. Shumway, J. Robinson, and Weld to be a Committee to join a Committee of Council, to take under consideration the situation of the society lands, and make report—Resolved that Mr. Strong join said Committee.

A bill from the House was rec'd appointing Mess<sup>rs</sup>. Hitchcock, Farland, and E. Sheldon, to join a Committee of Council to Enquire into the situation of the Lands in Londondary in the County of Windham, state facts and make report—Resolved that Mr. Safford join said Committee.

Adjourned until 9 o'Clock Tomorrow Morning.

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FRIDAY 2<sup>d</sup> Nov<sup>r</sup>. 1792.

Met according to adjournment. Present His Excellency Gov<sup>r</sup>. Chittenden, his honor L<sup>t</sup> Governor Olcott and the members of the Hon<sup>ble</sup>. Council as yesterday.

His Excellency the Governor & Council joined the House in Grand Committee for the purpose of choosing Electors. The Ballots being taken, Samuel Hitchcock, Lott Hall, Lemuel Chipman, and Paul Brigham Esquires was declared to be duly Elected, for the purpose of Electing a President & Vice President of the United States.

An act repealling an act Entituled an act to secure to Daniel Marsh the possession of a Certain Farm &c., having passed the General Assembly was read & Concurred.

An act laying a Tax of 2<sup>d</sup> half penny on the pound throughout this State, having passed the General Assembly was read and Concurred.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

An act in addition to an act entituled an act Directing proceedings against Forcible Entry and Detainer, having passed the Council, was ordered to be sent to the General Assembly to be passed into a Law of this State.

Adjourned to 9 o'Clock Tomorrow.

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SATURDAY 3<sup>d</sup> November 1792.

Met according to adjournment. Present the Governor, L<sup>t</sup> Governor & Council as yesterday.

Resolved that the second Wednesday in April next be and is hereby appointed and set apart as a day of public Humiliation & prayer throughout this State, and that his Excellency the Governor be and is hereby requested to Issue his Proclamation accordingly.

An [act] directing the times when the Several County Courts shall be holden within this State, having passed the Council was directed to be sent to the General Assembly to be passed into a Law of this State.

Adjourned to 2 o'Clock P. M.

Met according to adjournment and adjourned to 9 o'Clock Monday next.

#### MONDAY 5 November 1792.

Met according to adjournment. Present His Excellency the Governor and his honor the L<sup>t</sup> Governor and the following members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> John Fassett Thomas Porter Samuel Safford John Strong Jonathan Arnold Ebenezer Marvin Paul Brigham. Jos. Fay Sec<sup>y</sup>. Jon<sup>s</sup>. Bell Sherri<sup>ff</sup>.

On application of John Kelly Esquire for a Charter of Incorporation of 12,000 acres of Land adjoining to Carthage [Jay,] Dunkensboro [Newport,] Coventry, & Land Chartered to the said John Kelly in the year 1791—the Resolution of the General Assembly making a Grant and directing the Governor & Council to Issue a Charter, together with a rec<sup>t</sup> from the Treasurer and a Survey from the Surveyor General, being produced, whereupon Resolved that the Governor be & he is hereby requested to Issue said Charter, to be dated the 30th of October 1792, being the day the Granting fees was paid.

An act dividing Orange and Chittenden Counties, & Erecting four new ones, was read & Concurred with the amendments following viz<sup>t</sup> that in Lieu of Organizing in the year 1793 that 95 & 96 be inserted, and that the name of York be that of *Franklin*.

Adjourned to 2 o'Clock P. M.

Met according to adjournment, and Adjourned to 9 o'Clock Tomorrow.

#### TUESDAY 6 November 1792.

Met according to adjournment. Present His Excellency Governor Chittenden, his honor L<sup>t</sup> Governor Olcott & the following members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> John Fassett Thomas Porter Samuel Safford John Strong Jonathan Arnold Ebenezer Marvin Paul Brigham. Joseph Fay Sec<sup>y</sup>. Jonathan Bell Sherri<sup>ff</sup>.

A bill from the House was rec<sup>d</sup> appointing a Committee to join a Committee of Council to report what ought to be done with the Continental Money in the Treasury; Resolved that M<sup>r</sup>. Safford join s<sup>d</sup> Committee.

A act appointing Commissioners to ascertain and Establish the boundary line between the State of New Hampshire & the State of Vermont having passed the General Assembly was read & concurred.

An act Enabling the first society in Dorset to Tax themselves passed & Concurred.

An act affixing a place for the meeting of the Electors of President & Vice Pres<sup>t</sup> of the United States of America having passed the House was read & Concurred.

An act restoring Robert Nicolds [Nichols] to the privileged of Law read and Concurred.

An act appointing Nathaniel Stoughton and Thomas Prentis Managers to the Second Class of Weathersfield Lottery for Erecting a Brewery, read and Concurred.

An act Granting relief to Two native Indians read & Concurred.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

An act In addition to an Act Intituled an Act regulating processes & proceedings in civil causes, read and Concurred.

An act in addition to and amendment of an Act defining the powers of justices of the Peace within this State & prohibiting writs of Certiorari—passed, read & concurred—with amendments.

An Act In addition to the Act regulating Civil processes & for appointing Clerks to the Supreme Court, having passed the General Assembly was read and Concurred with this amendment viz<sup>t</sup> that this act continue in force for two years from the rising of this Assembly & no longer.

An act. Granting a Tax of one penny on the pound in the County of Chittenden passed, read & Concurred.

An act Establishing a jurisdictional Line between the Towns of Hancock & Rochester read & Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre in Wilmington read & Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre in Marlboro' read & Concurred.

An act Ratifying the Division of the town of Rutland by & between the proprietors thereof having passed the House was read & Concurred.

An act releasing the Town of Alburgh from State Taxes the present year, having passed the House was read & Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre in Huntsburgh [Franklin] read & Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre in Greensboro' read & Concurred.

Adjourned to 9 o'Clock Tomorrow.

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WEDNESDAY 7<sup>th</sup> November 1792.

Met according to adjournment. Present as yesterday.

An act Granting a Tax of a half penny in Craftsbury, two pence in Kellyvale [Lowell] and one penny in Montgomery was read & Concurred.

An act in addition to and alteration of an act Granting to Jabez Rogers of Middlebury leave to raise £1,200 by Lottery was read and concurred.

An act adding Jabez Barlow and Nathan Gilbert to the Committee of a Road Tax in Smithfield [part of Fairfield,] having passed the House was read and Concurred.

Adjourned to 2 o'Clock P. M.

[Met according to adjournment.]

Upon a Representation of the judges of the County Court for the County of Rutland, that in their opinion it would be of public Utility to relinquish the fines laid on a number of persons in said County by the Supreme Court in August 1787 for Riotous conduct,—Therefore Resolved that all and every one of the said persons fined as aforesaid shall be discharged from the payment of s<sup>d</sup> fines on their paying their equal proportion of the fines paid by Captain Daniels, excepting his equal proportion.—That the State's Attorney for said County be & he is hereby directed to discharge each of said persons on procuring a discharge from said Captain Daniels that they have paid their proportion of their fine aforesaid, which he is to avarage according to their respective fines.

An act directing the Time for holding County Courts read & Concurred.

An act in addition to an act regulating fees read & Concurred.

An act for Mending & Clearing highways read & Concurred.

An act to prevent the Growth and Spreading of the Canada Thistle read and Concurred.

Adjourned to 9 o'clock Tomorrow.

#### THURSDAY 8 November 1792.

Met according to adjournment. Present as yesterday.

Resolved that the Hon<sup>ble</sup>. Samuel Safford be & he is hereby directed to Call on the Treasurer for the money due on the Debenture for the present Session, & to Rec<sup>d</sup> the Same in behalf of the L<sup>t</sup> Governor & Council.

An act making addition to the Committees on the Land Tax in Woodbury and Hardwick read & Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre in Richford read and Concurred.

An act Granting a penny Tax in Chittenden read & Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre in Pittsfield read & Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre in Montpelier read and concurred.

An act Granting a Tax on Holland, Caldersburgh [Morgan,] Wenlock & Brunswick read and Concurred.

An act Granting a Tax of 2<sup>d</sup> p<sup>r</sup> acre in S<sup>t</sup>. George read & Concurred.

An act for the purpose of Raising by Lottery three hundred pounds to build a Bridge over the river La Moil in Milton read & Concurred.

An act Granting a Tax of 2<sup>d</sup> p<sup>r</sup> acre in Grotton read & Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre in Granby read & Concurred.

An act Granting a Tax of 2<sup>d</sup> p<sup>r</sup> acre in Rygate read & Concurred.

An act directing the Managers of Lotteries read & Concurred.

An act Granting to David Sanderson the Exclusive right of Carting by Bellows Falls, Read & Concurred with amendments.

An act making provision for the Support of Daniel Whipple of Rockingham read & Concurred.

An act empowering the judge of Probate for the district of Westminster to order the sale of the Estate of William Shaw, read & Concurred.

An act empowering Joseph Packard to sell the real Estate of Winslow Packard read & Concurred.

An act altering the name of *Hungerford* to that of *Sheldon* read and concurred.

An act empowering the first Constable of Fairhaven to Collect several Taxes read and Concurred.

An act in addition to and alteration of an act Entituled an act for the prevention and punishment of Frauds and perjuries, read & Concurred.

An act in addition to an act regulating Goals & Goalers read & Concurred.

An act to secure John Stevens from arrest read & concurred.

An act in addition to the act for raising 30,000 Dollars read & Concurred adding the Township of Fletcher.

An act regulating the Manufacturing of Iron & Nails read & Concurred.

An act to promote the Increase of Sheep read and concurred.

An act Granting Leave to raise £500 by Lottery for building a Bridge over White river read and Concurred with amendments.

An act to free from arrest the body of Jonathan Fassett until the 10<sup>th</sup> day of November next, read & Concurred.

An act Granting a Tax of a half penny on the pound in the County of Windham read and Concurred.

An act to suspend prosecution against Luke Coffein for one year was read and Concurred.

An act directing the Treasurer to pay to Enos Wood Twelve pounds Lawful Money in hard Money, read & concurred. £12.

An act Granting a Tax of one penny p<sup>r</sup> acre on Morristown, Sterling & Worcester read and Concurred, with adding Martin Chittenden to the Committee in lieu of Joseph Leach.

Resolved that the name of Stephen Pearl be inserted in the Charter of the Township of Brownington as an addition to the number already Inserted and that thereupon the Secretary of Council compleat & Diliver the Charter to Timothy Brown Esq<sup>r</sup> he dilivering all rec<sup>ts</sup> for Money paid Generals Safford & Strong ammounting to three hundred & ninety two pounds & one penny. £392 0 1.

An act for paying the Convention [on the constitution] read and Concurred.

An act in addition to an act for raising 30,000 Dollars read and Concurred.

Resolved that His Excellency Thomas Chittenden be directed to sign a Charter to himself agreeably to a Resolution of the General Assembly of the 7<sup>th</sup> of November 1792, for Twenty rights of Land in the Township of Carthage [Jay] amounting to seven thousand six hundred acres including part of the public rights in said Township to be reserved according to said Resolution.

An act dividing the State into districts for Electing Representatives to Congress read and Concurred.

Adjourned to 2 o'Clock P. M.<sup>1</sup>

Met according to adjournment.

An act empowering the Selectmen of Springfield to sell the Estate of Oliver Blye, read and Concurred.

An act giving Leave to the Town of Pittsfield to appoint a Constable read and Concurred.

An act directing the Collecting of Land Taxes read & Concurred.

An act directing the mode of appropriating public money\* read and Concurred.

An act to raise by Lottery one hundred and fifty pounds to build a Bridge across Deerfield River, read & Concurred, with amendments.

An act in addition to an act Empowering the Administrators of Seth Keeler to Deed Lands in Certain cases, read & Concurred.

<sup>1</sup> From the printed *Assembly Journal*, Nov. 8 1792:

Resolved, That the salary of his Excellency the Governor, for the present year, be one hundred and fifty pounds; and the treasurer is hereby directed to pay the same.

Resolved also, That Samuel Mattocks, Esq. Treasurer, be allowed one hundred and twenty pounds, as his salary for the year ensuing.

Resolved, That the treasurer be directed to take bonds of the attorney general, with sureties, in the sum of two thousand pounds, for the faithful performance of his office.

Resolved, That the treasurer be, and he hereby is directed, to pay to his Excellency Thomas Chittenden, Esq. out of the treasury of this state, the sum of nine pounds, in hard money, to defray the expense necessarily incurred on election day.

An act explanatory of an act for Collecting and paying rates, read and Concurred.

This Council having heard a Resolution of Assembly requiring his Excellency the Governor to Issue a Charter of the Township of Sheffield to Noah Smith Esq<sup>r</sup> & associates, and insert therein such names as the said Noah Smith shall Exhibit to be Entered, & as there is a dispute respecting the names which may be by him offered to be so inserted, & in which the parties whose names were heretofore given in, and who it appears had money<sup>s</sup> actually paid into the State for their respective rights or shares, have had no opportunity to be heard—And as it further appears to the Council, injury may arise as well to the State as to the said parties if said Charter should Issue without the Insertion of their names, and no material damage can insue from a Temporary delay in Issuing the Same—It is the opinion and advice of this Council that the Seal of this State be not affixed to any Charter for said Township of Sheffield unless the names presented by the said Noah Smith Esq<sup>r</sup> shall agree with the names contained in a Receipt given by said Smith and Lodged in the office of the Sec<sup>y</sup> of this Council as a part of the proprietors of said Sheffield, until the next Session of the General Assembly, that the parties may have an opportunity to be heard before the Assembly respecting the same.

A DEBENTURE OF COUNCIL at their Session Holden at Rutland commencing the 11<sup>th</sup> of October, and ending the 8<sup>th</sup> of November inclusive.

His honor Lt Gov<sup>r</sup> Olcott £23 8 4, Hon<sup>ble</sup>. Timothy Brownson 7 12 8, John Fassett 12 2 0, Thomas Porter 10 12 4, Samuel Safford 12 3 0, John Strong 11 3 0, Ebenezer Walbridge 9 7 0, Luke Knoulton 8 16 4, Jonathan Arnold 14 3 0, Ebenezer Marvin 10 12 4, Paul Brigham 11 16 4, Joseph Fay Sec<sup>y</sup> 15 1 0, Jonathan Bell *Sheriff* 8 14 0—£156 1 4.

STATE OF VERMONT Treasurer's office Rutland December 1792.

This may certify that Samuel Avery has this day paid into the Treasury the whole of the Granting fees for Eleven thousand and forty acres of Land Granted to him October 1789, and agreeable to a Resolution of Assembly dated October 25<sup>th</sup> 1792, being two hundred and sixty four pounds, nineteen shillings and two pence, at Twenty four pounds p<sup>r</sup> Each Thousand acres, the same being otherwise receipted.

£264 19 2.

SAMUEL MATTOCKS *Treasurer*.

The foregoing certificate is a true Copy of the Original on file, ordered by the Governor to be recorded.

Attest, JOSEPH FAY *Sec<sup>y</sup>*.

I the Subscriber Treasurer of the State of Vermont do certify and declare to all whom it doth or may concern, that I have on the day of the date hereof Rec<sup>d</sup> from the Hon<sup>ble</sup>. John Jay Esq<sup>r</sup> and John Cozine Esquire by the hand of Josiah Armes Esq<sup>r</sup> the Sum of Two hundred & sixty one pounds Lawful Money which with Twenty four pounds like L. Money heretofore paid by General John Strong is in full of the Granting fees ordered by the Legislature of Vermont to be paid into the Treasury upon fifteen Thousand acres of Land part of a Tract of Land heretofore called Carthage [Jay.] in pursuence of and agreeable to a Resolution of the Assembly of Vermont, bearing date the 7<sup>th</sup> day of November last—for which money I gave a rec<sup>t</sup> & duplicate of this date.

Given under my hand this 28<sup>th</sup> day of Dec<sup>r</sup> 1792.

SAMUEL MATTOCKS *Treasurer*.

Attest, JOSEPH FAY *Sec<sup>y</sup>*.

True Copy Exam<sup>d</sup>

# SEVENTEENTH COUNCIL.

OCTOBER 1793 TO OCTOBER 1794.

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THOMAS CHITTENDEN, Williston, *Governor*.

PETER OLCOTT, Norwich, *Lieutenant Governor*.

## *Councillors:*

JOHN FASSETT, Cambridge,  
JACOB BAYLEY, Newbury.<sup>1</sup>  
THOMAS PORTER, Tinmouth,  
SAMUEL SAFFORD, Bennington,  
JOHN STRONG, Addison,  
JONATHAN HUNT, Vernon,

EBEN'R WALBRIDGE, Bennington,  
LUKE KNOULTON, Newfane,  
EBENEZER MARVIN, Tinmouth,  
PAUL BRIGHAM, Norwich,  
JONAS GALUSHA, Shaftsbury,  
GIDEON OLIN, Shaftsbury.

JOSEPH FAY, Bennington, *Secretary*.

WILLIAM SWEETSER, Windsor, *Sheriff*.

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## BIOGRAPHICAL NOTICES.

JONAS GALUSHA, born in Norwich, Conn., Feb. 11, 1753, came to Shaftsbury in 1775. He was captain of a militia company from 1777 to 1780. In 1777 there were two companies in the town, one of which seems to have taken part in the battle of Hubbardton, where Amos Huntington, its captain, was captured by the British. Captain Galusha was thereupon assigned to the command of both companies, and he led them in the battle of Bennington. He represented Shaftsbury in the Legislature of 1800; was Councillor from Oct. 1793 until Oct. 1799, and also from Oct. 1801 until Oct. 1806; Sheriff of Bennington county from 1781 to 1787; Judge of the County Court from 1795 until 1798, and again from 1801 until 1807; Judge of the Supreme Court in 1807 and 1808;

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<sup>1</sup> John White of Georgia was declared to be elected in place of Mr. Bayley, but on the 14th of October errors in the canvass were discovered, the correction of which elected Mr. Bayley, and the seat was assigned to him.



and Governor from 1809 until 1813, and from 1815 until 1820. He was an elector of President and Vice President in 1808, 1820, and 1824; one of the Council of Censors in 1792; and a member of the Constitutional Conventions of 1814 and 1822, and President of both. His services in civil offices covered forty years. "He possessed a mild, benevolent, and philosophic turn of mind, and a comprehensive understanding. He was not a dealer in many words, gave his reasons with openness and candor, and always made them plain to the meanest capacity. Like Cincinnatus, he delighted to retire from the toils of war and labors of state, to return again to the comforts of society and follow his plough."—*Vt. Hist. Magazine*, Vol. 1, p. 234. Like many of his day in Vermont, among them several excellent and notable men, he was both farmer and inn-keeper. Gov. Galusha, though not a member of any church, was, "in the estimation of those competent to judge, a true Christian. He maintained family worship in all its forms, was known to observe private devotions, was an habitual attendant upon public worship and at social meetings, and frequently took an active part in the latter. In his daily life he was also such as a Christian should be, modest, amiable, upright, faithful to every obligation. \* \* \* When nearly seventy-nine years of age, he attended a protracted meeting at Manchester, and took an active part in its exercises; as the result of which he was aroused to a sense of the duty of making a public profession of religion, and announced his intention to do so, but was prevented from accomplishing his purpose by a stroke of paralysis, which he experienced soon after, and from which he never recovered. \* \* \* By his first wife, Mary, [daughter of Gov. Thomas Chittenden,] he had five sons and four daughters. His children were well trained, and all of them who survived childhood became professors of religion; one of them, Elon, an eminent minister in the Baptist denomination."—*Memoirs of Jonas Galusha*, by Rev. Pliny H. White. In publishing the death of Gov. Galusha, which occurred on the 24th of Sept. 1834, the *Vermont Watchman and State Gazette* characterized him as "a decided and unwavering republican, an honest man, and a veteran of the revolution."

GIDEON OLIN was born in Rhode Island in 1743, removed to Shaftsbury in 1776, and very soon took a prominent part in public affairs. He was a delegate to the Convention at Windsor June 4 1777; Commissioner of Sequestration Feb. 21 1778; Major of the second regiment May 28 1778, in which office he engaged in active service on several occasions during the revolutionary war; representative in the General Assembly in 1778, March and October sessions, and from 1780 until 1793, when he took his seat in the Council; Speaker of the House from 1788 to 1793, and again a member in 1799; Councillor from 1793 until 1798; Judge of Bennington County Court from 1781 until 1798, again from 1800 until 1802, and Chief Judge from 1807 until 1811—in all twenty-three years as judge; delegate in the Constitutional Conventions of 1791 and 1793, and Mem-

ber of Congress from 1803 to 1807. "Gideon Olin was one of the firmest supporters of the State, and in the hours of political darkness not a star of lesser magnitude ; possessed great natural talents, an intuitive knowledge of mankind, was nobly free in his opinions, and decided in his conduct. He died at Shaftsbury in January 1823."—*Vt. Hist. Magazine*, Vol. I, p. 234. For an example of Judge Olin's firmness and decision, see Vol. III, p. 378. The Olin brothers, Gideon and John, of Shaftsbury, have been conspicuous in their descendants, among whom are Hon. John H. Olin of Shaftsbury; Lieut. Gov. and M. C. Henry Olin of Leicester; Rev. Dr. Stephen Olin, President of Randolph (Georgia) Macon College, and the Wesleyan University at Middletown, Conn. &c., and Hon. Abraham B. Olin, member of the 35th, 36th, and 37th Congress.

**RECORD OF THE GOVERNOR AND COUNCIL**  
**AT THE**  
**SESSION OF THE GENERAL ASSEMBLY AT WINDSOR,**  
**OCT. 1793.**

At a meeting of the Governor & Council for the purpose of Electing officers of Government for the Year ensuing holden at Windsor aforesaid this 10<sup>th</sup> day of October A. D. 1793. Present His Excellency Thomas Chittenden Esq<sup>r</sup>. Governor—His honor Peter Olcott Esq<sup>r</sup>. L<sup>t</sup> Gov. and the following Members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> John Fassett Jacob Bayley Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Luke Knoulton Ebenezer Marvin Paul Brigham. Joseph Fay Sec<sup>y</sup>. W<sup>m</sup>. Sweetser Sheriff.

Resolved that a Committee of Seven be appointed to join a Committee from the House, to receive, sort & count the votes of the freemen for Governor, L<sup>t</sup> Governor, Treasurer and twelve Counsellors, & make report of the persons who shall appear to be duly Elected—Members chosen Mess<sup>rs</sup> Safford, Brigham, Marvin, Strong, Porter, Fassett and Hunt.

Adjourned to 2 o'clock P. M.

Met according to adjournment & adjourned until 9 o'clock Tomorrow.

FRIDAY 11<sup>th</sup>. October 1793.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup> Governor Olcott, and the following Members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Luke Knoulton Jonathan Hunt Ebenezer Marvin Paul Brigham. Joseph Fay Sec<sup>y</sup>. William Sweetser Sheriff.

The Committee appointed to join a Committee from the House to receive, sort and count the votes of the freemen for Governor, L<sup>t</sup> Governor, twelve Counsellors & Treasurer for the year ensuing have declared the following persons to be duly Elected viz<sup>t</sup> His Excellency Thomas Chittenden Esq<sup>r</sup>. Governor, Peter Olcott Esq<sup>r</sup>. L<sup>t</sup> Governor, Samuel Mattocks Esq<sup>r</sup>. Treasurer—and the Hon<sup>ble</sup>. Samuel Safford Paul Brigham Jonathan Hunt Ebenezer Marvin John Strong John Fassett Luke Knoulton Ebenezer Walbridge Jonas Galusha Gideon Olin Thomas Porter & John White <sup>1</sup> Counsellors.<sup>2</sup>

<sup>1</sup> See post, pp. 46, 47.

<sup>2</sup>The canvass of votes for Governor, as printed in the *Vermont Gazette* of Oct. 18 1793, gave the following results by counties :

Counties.	Thomas Chittenden.	Isaac Tichenor.	Noah Smith.	Scattering.
Addison,	460	139	21	10
Bennington,	494	404	73	14
Chittenden,	422	463	43	29
Orange,	292	374	7	4
Rutland,	1094	299	27	9
Windham,	152	558		3
Windsor,	273	475	3	16
Totals,	3184	2712	174	85

His Excellency the Governor, L<sup>t</sup> Gov<sup>r</sup> and the Members of Council present were duly qualified and took their seats accordingly.

His Excellency was pleased to appoint Joseph Fay Secretary to the Governor & Council, who was duly qualified accordingly.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

Hon<sup>ble</sup> Gideon Olin Esq<sup>r</sup> appeared in Council and was duly qualified before the Governor and took his seat in Council.

A bill from the House was rec'd appointing Mess<sup>rs</sup> Henry, E. Spooner, J. Robinson, Todd, Lyon, Williams, E. Robinson, Emmons, Davis, Farland, Woodbridge, Painter, Harrington, & Hitchcock a Committee to join a Committee of Council to arrange the business of the present Session—Resolved that Mess<sup>rs</sup> Marvin and Brigham join said Committee.

Adjourned to 8 o'clock Tomorrow.

#### SATURDAY 12<sup>th</sup> October 1793.

Met according to adjournment. Present His Excellency Governor Chittenden—his honor L<sup>t</sup> Governor Olcott, and the following members of the Hon<sup>ble</sup> Council viz<sup>t</sup> John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Luke Knoulton Ebenezer Marvin Paul Brigham Gideon Olin. Joseph Fay Sec<sup>y</sup> William Sweetser *Sheriff*.

The Governor and Council joined the House in Grand Committee for the purpose of Making the County Elections, & to Elect the judges of the Supreme Court, and to fill the vacancy\* of General officers in the Militia. The Committee adjourned to Wednesday next at the opening of the House.

A petition signed by Oliver Barret and others praying for Leave to raise the sum of two thousand & five hundred Dollars by Lottery for the purpose of clearing and improving the Navigation of Connecticut River; having been referred for several sessions past to the present session & a Committee appointed to join a Committee of Council, Resolved that M<sup>r</sup> Safford join said Committee.

A bill from the House was received appointing a Committee to join a Committee of Council for the purpose of providing a Goal & work house in some convenient place in this State, to confine State prisoners and regulating the same—Resolved that M<sup>r</sup> Fassett join said Committee.

A petition from a Manufacturing Company praying to be Incorporated was rec'd, and a Committee appointed to join a Committee of Council—Resolved that M<sup>r</sup> Marvin join said Committee.

A petition signed Solomon Simpson in behalf of himself and European Company of Minors [miners,] praying for a Patent of all the Gold & Silver Mines in the State of Vermont, under certain restrictions and regulations, having been read in General Assembly and a Committee appointed to join a Committee of Council, Resolved that M<sup>r</sup> Marvin join said Committee.

A bill from the House was rec'd appointing a Committee to join a Committee of Council to provide more effectually for the encouragement of useful manufactories within this State—Resolved that M<sup>r</sup> Marvin join said Committee.

Resolved that M<sup>r</sup> Strong join the Committee from the House for the purpose of arranging the Militia of this State.

Adjourned to 10 o'clock Monday next.

MONDAY 14<sup>th</sup> October 1793.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor Lt. Governor Olcott, and the following members of the Hon<sup>ble</sup> Council viz<sup>t</sup> John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Luke Knoulton Ebenezer Marvin Paul Brigham Gideon Olin. Joseph Fay Sec<sup>y</sup>. William Sweetser *Sheriff*.

Whereas it is Represented to this Council that thro' mistake or inattention the votes of the freemen of one or more Towns were not counted by the joint Committees of both Houses, by which means injustice has taken place in the Election of a Member of Council, therefore Resolved that the General Assembly be requested to join the Governor and Council in Grand Committee to take the same under consideration and rectify any mistake which may appear to have taken place.<sup>1</sup>

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<sup>1</sup> The Governor and Council joined the House accordingly, when it appeared that the votes of Duxbury had been excluded by the canvassing committee, on the supposition that the town was not organized; but it was proved that the town was organized, and that its vote gave Jacob Bayley one majority over John White. It also appeared that the votes of Pawlet had not been delivered to the committee, all of which were for Mr. Bayley. Therefore, at an adjourned meeting of the grand committee in the afternoon, it was resolved that Jacob Bayley was, and John White was not, elected Councillor.—See printed *Assembly Journal* of 1793, pp. 22–24.

IN GENERAL ASSEMBLY Oct. 14, 1793.

The following Address of the Council of Censors was handed [in] by Mr. Secretary Hopkins, viz.

VERMONT. IN COUNCIL OF CENSORS, Nov. 29th, 1792.

*To the Honorable the Legislature of this State, to be convened in October next.*

This Council, in examining the proceedings of the Legislative and Executive Departments of this Government, during the last Septenary, are happy to find no proceedings which we judge unconstitutional; but with due deference we judge the Legislature have, in some instances, too hastily and inconsiderately, passed insolvent acts, and acts suspending the operation of law against particular persons, and acts granting exclusive rights and privileges to individuals.

We conceive there can be but few instances in this State, where *insolvent acts* or *acts* suspending the operation of law, *ought* to be passed; and that acts granting exclusive privileges to individuals, *ought not* to be passed, unless to secure to individuals the exclusive right to their own inventions:—And we also judge it inconsistent with the spirit and genius of a free people, that a man should be adjudged to pay costs in criminal causes, or cases of delinquency, after an impartial jury of the country has declared he is not guilty. Therefore, this Council recommend to the Legislature, to repeal the *last* paragraph of an act passed March 9th, 1787, entitled *An Act regulating the disposal of fines and penalties, and the payment of costs, in cases of delinquencies*.

It gives us great pleasure, when we take a retrospective view of the multiplicity and the intricacies of business, that is brought before the Legislature, that there are so few instances, where they have erred;—

A petition signed Nehemiah Hopkins praying for relief on account of the loss of his arm; having been read in General Assembly & a Committee appointed thereon to join a Committee of Council, Resolved that M<sup>r</sup> Hunt join said Committee.

A Bill from the House was rec'd to Notify the Governor and Council that they were ready to join in Grand Committee to rectify any mistake which might appear to have taken place in the appointment of a Member of the Council.—The Governor & Council joined the House accordingly.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

A petition signed by Benjamin Page, praying to have his fine remitted & to be released from Bennington Goal, was read and ordered to lie on the Table.

A bill from the House was rec'd appointing a Committee to join a Committee of Council to revise and propose alterations in the act for raising thirty Thousand Dollars—Resolved that Mess<sup>rs</sup> Olin & Strong join said Committee.

A petition signed by John Hubbard & Joshua Hale praying for the exclusive right of building a Bridge over Connecticut river, having been read in General Assembly and a Committee appointed thereon to join a Committee of Council, Resolved that M<sup>r</sup> Knoulton join said Committee.

The following resolution of the Grand Committee was rec'd and ordered to be recorded viz<sup>t</sup>

IN GRAND COMMITTEE 14 Oct<sup>r</sup> 1793.

Whereas it appears upon an inquiry of the Committee appointed to receive, sort and Count the votes for Counsellors for the present year, that the said Committee, thro' mistake, Omitted counting a number of votes for Counsellors, which if counted would have given a Majority for Jacob Bayley in Stead of John White, which Votes ought to have been Counted, therefore Resolved that Jacob Bayley was duly Elected Counsellor for the State for the present year, and that John White, who was declared by a Committee to be Elected, was not elected by the freemen of the State.

The preceding is a true Copy of the [resolution of the] Grand Committee.

Attest, ROSWELL HOPKINS *Clerk*.

True Copy Examined.

JOSEPH FAY *Sec<sup>y</sup>*.

A petition Signed Isaac Gage praying for the exclusive right of building a Temporary floating Bridge over Otter Creek at a place Called Gage's Ferry, having been read in General Assembly and Committed to join a Committee of Council—Resolved that M<sup>r</sup> Knoulton join said Committee.

Adjourned to 9 o'Clock Tomorrow.

WINDSOR 15 October 1793.

Met according to adjournment. Present His Excellency Governor Chittenden, His honor L<sup>d</sup> Governor Olcott, and the following Members of the Hou<sup>ble</sup>. Council viz<sup>t</sup> John Fassett Thomas Porter Samuel Safford

and are happy to find that wisdom and stability mark the proceedings of our public bodies; and that this government is daily gaining knowledge and respectability. By order of the Council,

SAMUEL KNIGHT, *President*.

Attest, ROSWELL HOPKINS, *Secretary*.

John Strong Ebenezer Walbridge Jonathan Hunt Luke Knoulton Ebenezer Marvin Paul Brigham Gideon Olin. Joseph Fay *Secr.* W<sup>m</sup>. Sweetser *Sheriff*.

The Governor and Council joined the House in Grand Committee for the purpose of taking under consideration the propriety of Holding two Stated Termes of the Supreme Court in each County, and also three Stated Termes of the County Courts within the respective Counties; after debating fully on the subject, the Committee adjourned until 2 o'clock on Monday next.

A petition Signed Jonathan Holton praying for Compensation for the loss of his farm, having been read in General Assembly & Committed to join a Committee of Council, Resolved that M<sup>r</sup>. Olin join the said Committee.

A petition Signed Benjamin Page prisoner confined in Bennington Goal praying to be discharged from his fine & cost & Imprisonment, having been taken under consideration was unanimously agreed to be dismissed.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

A petition Signed Elnathan Marvin praying for the payment of £35 15 for Money<sup>s</sup> paid for Armes during the War, having been read in General Assembly & Committed to join a Committee of Council—Resolved that M<sup>r</sup>. Safford join said Committee.

The petition of the Inhabitents of Fairfax and Selectmen of Sandgate praying for Lotteries to be Granted, having been read in General Assembly and Committed to join a Committee of Council—Resolved that said petitions be referred to the Lottery Committee.

A petition from a number of Inhabitents in Hanover, also a petition from the Inhabitents of Norwich & Hartford, & one from the selectmen in Manchester praying for a Grant of Lotteries for building a bridge across Connecticut river, & repairing the road across the Green Mountain, having been read in General Assembly and Committed to join a Committee of Council—Resolved that M<sup>r</sup>. Brigham join said Committee for the purposes therein Mentioned, and make report.

Hon<sup>ble</sup>. Jonas Galusha Esq<sup>r</sup> appeared in Council & was duly qualified before the Gov<sup>r</sup>. and took his seat accordingly.

Adjourned to 8 o'clock Tomorrow.

#### WEDNESDAY 16<sup>th</sup>. October 1793.

Met according to adjournment. Present his Excellency Governor Chittenden, his honor L<sup>t</sup>. Gov<sup>r</sup>. Olcott and the following members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Luke Knoulton Ebenezer Marvin Paul Brigham Jonas Galusha & Gideon Olin. Joseph Fay *Secr.* W<sup>m</sup>. Sweetser *Sheriff*.

The Governor & Council joined the General Assembly in Grand Committee agreeable to the order of the day for the purpose of making the County Elections of Civil officers for the year ensuing which are entered at Large on the journals of the House—also for the purpose of Electing Judges of the Supreme Court, & Brigadier Generals of the Militia.—The Election of Brigadier Generals being postponed, the ballots being [taken] for Judges of the Supreme Court, the Hon<sup>l</sup>. Samuel Knight Esq<sup>r</sup> was declared to be duly Elected chief Judge, & the Hon<sup>ble</sup>. Elijah Payne [Paine] & Isaac Tichenor Esq<sup>r</sup> was declared to be Elected side Judges.

Resolved that it appears to this Council by the Original enteries of the Names of the petitioners for the Township of Medway [Mendon] & also

by the original entries of the Names of the persons paying the Granting fees for said Town & other evidence, that Eleazer Wheelock was an Original Grantee in said Grant, and that it was by mistake that the Name of Ebenezer Wheelock was inserted in lieu of Eleazer Wheelock in said Charter.

Adjourned to 8 o'clock Tomorrow.

#### WINDSOR 17<sup>th</sup> October 1793.

Met according to Adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup> Governor Olcott, and the following members of the Hon<sup>ble</sup> Council viz<sup>t</sup> John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Luke Knoulton Ebenezer Marvin Paul Brigham Jonas Galusha Gideon Olin. Joseph Fay Sec<sup>y</sup>. W<sup>m</sup>. Sweetser Sheriff.

A petition signed Johnathan Holton praying for Compensation for the loss of his farm, having been once Committed and the report not accepted, but recommitted to join a Committee of Council—Resolved that Mess<sup>rs</sup>. Porter & Galusha join said Committee.

Adjourned to 2 o'clock P. M.

Met according to adjournment, and joined the House in Grand Committee on the petition of M<sup>r</sup>. Goodrich, praying for Compensation, having paid too much Granting fees for the Grant of Pittsfield & Hancock; the Committee Resolved to recommend to the House not to Grant the prayer of the petition.

An act Granting to Nehemiah Hopkins Ju<sup>r</sup> the sum of £36, in full Compensation for the loss of his arm, having passed in the General Assembly was read and Concurred with amendments.

Adjourned to 9 o'clock Tomorrow.

#### FRIDAY IN COUNCIL Windsor 18<sup>th</sup>. October 1793.

Met according to Adjournment. Present His Excellency Governor Chittenden, His honor L<sup>t</sup> Governor Olcott, & the following members of the Hon<sup>ble</sup> Council viz<sup>t</sup> John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Luke Knoulton Ebenezer Marvin Paul Brigham Jonas Galusha Gideon Olin. Joseph Fay Sec<sup>y</sup>. W<sup>m</sup>. Sweetser Sheriff.

A bill from the House was rec<sup>d</sup> requesting the Governor and Council to join the House in Grand Committee for the purpose of Taking into Consideration the Militia bill; Resolved that the Governor & Council join accordingly.—The business being largely discussed in Committee, they Resolved to recommend to the House to Comply with the Laws of Congress by releasing all full Colonels, upon which the Committee adjourned to meet at 2 o'clock P. M. for the purpose of Electing Brigadier Generals.

Adjourned to 2 o'clock P. M.

Met according to adjournment. The Governor & Council joined the House in Grand Committee.—The Ballots being taken for Brigadier General for the first Brigade in the 2<sup>d</sup> Division, when Col<sup>o</sup> Josiah Wright was declared to be duly Elected, and Eli Cogswell [Cogswell] Esq<sup>r</sup> was declared to be Elected Brigadier General of the 4<sup>th</sup> Brigade & Col<sup>o</sup> David Whitney was also Elected Brigadier General of the sixth Brigade.—The Committee then dissolved.



A petition signed John Barret and Lewis R. Morris Esquires, praying for the exclusive right of building a Bridge across Connecticut river near s<sup>d</sup> Barritt's Dwelling house, having been read in the House and Committed, to join a Committee of Council, Resolved that M<sup>r</sup>. Brigham join said Committee and also to join the Committee on the petition of Zebina Curtis Praying for like privileges &c.

The petition of Samuel B. Sheldon having been read in General Assembly and Committed to join a Committee of Council, Resolved that M<sup>r</sup>. Olin join s<sup>d</sup> Committee.

The petition of Jonathan Parker praying for a Grant of Land adjoining to Killington [Sherburne,] having been read in General Assembly & Committed to join a Committee of Council, Resolved that M<sup>r</sup>. Walbridge join said Committee.

IN GENERAL ASSEMBLY 18<sup>th</sup>. October 1793.

Resolved that his Excellency the Governor be requested to appoint the first Thursday of December next to be Observed as a day of public Thanksgiving throughout this State and Issue his proclamation accordingly.

Attest, R. WHITNEY Clerk.

An act altering the Name of Wilderslurch to that of *Barre* having passed the General Assembly was read and Concurred.

Hon<sup>ble</sup>. Jacob Bayley appeared & was duly qualified & Took his seat accordingly.

An act empowering Joel Doolittle Administrator on the Estate of John Doolittle Deceased to deed Lands in Certain Cases, having passed the House was read & Concurred.

A petition Signed Ezra Fellows, and Isaac Gorham, praying for relief on acct<sup>d</sup> of a Resolution of the General Assembly, Obtained in a fraudulent manner by Noah Smith Esq<sup>r</sup> relative to the Grant of Sheffield, having passed the General Assembly and a request thereon to join in Grand Committee, Resolved that the Governor & Council join accordingly.

Adjourned to 8 o'Clock Tomorrow.

SATURDAY IN COUNCIL Windsor 19<sup>th</sup> October 1793.

Met according to adjournment. Present His Excellency Governor Chittenden, his honor L<sup>t</sup> Governor Olcott, and the following members of the Hon<sup>ble</sup>. Council viz<sup>t</sup> John Fassett Jacob Bayley Thomas Porter Samuel Safford John Strong Eben<sup>r</sup>. Walbridge Jonathan Hunt Luke Knoulton Eben<sup>r</sup>. Marvin Paul Brigham Jonas Galusha Gid<sup>n</sup>. Olin. Jos. Fay Secy. W<sup>m</sup>. Sweetser Shff.

An Act Granting to Josiah Tilden the sum of six pounds, having passed the General Assembly was read and Concurred.

An act in addition to Bristol Land Tax having passed the General Assembly was read & Concurred.

An act in alteration of an act for the purpose of raising £300 by Lottery for building a Bridge Over the river Lamoile, having passed in General Assembly was read & Concurred.

An Act for dividing the Town of Cavendish, and altering one part of it to the Name of Baltimore, having passed the General Assembly was read & Concurred.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

An act annexing part of the Town of Tinmouth to the Town of Wallingford, having passed the General Assembly was read and Concurred.

The Governor & Council joined the House in Grand Committee on the petition of Ezra Fellows & Isaac Gorham; the Committee adjourned to Wednesday Morning next at the Opening of the House.

Adjourned to 9 o'Clock Monday Next.

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MONDAY 21<sup>st</sup> October 1793.

Met according to adjournment. Present his Excellency Governor Chittenden, His honor Lt. Governor Olcott, & the following Members of the Hon<sup>ble</sup> Council, viz<sup>t</sup> Jacob Bayley John Fassett Thomas Porter Samuel Safford John Strong Eben<sup>r</sup> Walbridge Jonathan Hunt Luke Knoulton Eben<sup>r</sup> Marvin Paul Brigham Jonas Galusha Gideon Olin. Jos. Fay Sec<sup>y</sup>. W<sup>m</sup>. Sweetser Sheriff.

Hon<sup>ble</sup> Samuel Mattocks as principle and the Hon<sup>ble</sup> John Strong & N. Chipman Esq<sup>m</sup> sureties, was recognized before the Governor & Council in due form of Law in the Sum of Ten thousand pounds L. money to the Sec<sup>y</sup> of State for the faithful performance of his duty in said office of Treasurer.

An act in addition to & alteration of an act for raising 30,000 Dollars, having passed the General Assembly was read and Concurred [with amendments.]

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

A bill from the House was rec'd requesting the Governor & Council to join a Grand Committee for the purpose of Confering on the propriety of Erecting a State Goal and Work House. Resolved that the Governor & Council will join accordingly.

An act in alteration of and in addition to an Act for raising 30,000 Dollars being returned from the House non-concurring with amendments proposed by Council, Resolved that the Governor & Council on Reconsideration rescind from their proposals of amendment & concur with the General Assembly in passing the Within Act into a Law of this State.

An act directing the Treasurer to pay the Selectmen of Dummerston in the County of Windham the sum of £18 13 8 having passed the Gen<sup>l</sup> Assembly was Read & Concurred.

Adjourned to 9 o'Clock Tomorrow.

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TUESDAY 22<sup>d</sup> October 1793.

Met according to adjournment. Present as yesterday. The Governor & Council joined the House in Grand Committee agreeable to the order of the day on the Subject of providing a suitable prison for the purpose of confining State Criminals and putting them to Labor.<sup>1</sup>

Resolved that the General Assembly be requested to lay before this Council official Statements of the State of the Treasury, the expenditures of the State, the Grand List & other resources of *Revenue* arising to this State for the Courant Year, for the information of this Council. Copy sent to the House.

An act repealling a certain Clause in an act for Supporting Foreigners, having [passed] the Council was directed to be sent to the General Assembly to be passed into a Law of this State.

Adjourned to 2 o'Clock P. M.

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<sup>1</sup> The Committee recommended the appointment of a board to obtain information as to the best location.

Met according to adjournment.

An act Granting to Jonathan Parker Jun<sup>r</sup> Esq<sup>r</sup> seventeen hundred acres of Land & appointing a Committee to join a Committee of Council to assess the Granting fees thereon, read & Concurred, & M<sup>r</sup> Marvin appointed to join the Committee of the House for assessing the fees.

Hon<sup>ble</sup> Brigadier General Bradley Resigned his Command of the Eighth Brigade of the Militia of the State of Vermont, which was accordingly accepted.

An act repealling a Certain Clause in an act for providing for the Support of Foreigners &c. was returned from the House non concurred.

Adjourned to 9 o'Clock Tomorrow.

WEDNESDAY 23<sup>d</sup> October 1793.

Met according to adjournment. Present as Yesterday.

An act empowering Allen Harrington to Sell part of Ephraim Harrington's real Estate, having passed the General Assembly was read & Concurred.

An act repealling part of an act regulating processes in civil Causes having passed the General Assembly was read & Concurred.

An act empowering the Supreme Court to Grant New Trials, having passed the General Assembly was read & Concurred.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

A bill from the House was rec'd requesting the Governor & Council to join the House in Grand Committee to take under Consideration the petition of M<sup>r</sup> [James] Denison, and others, praying for Compensation for the loss of Land purchased of the State, whereupon Resolved to join accordingly.

Adjourned to 9 o'Clock Tomorrow.

WEDNESDAY [Thursday] 24 October 1793.

Met according to adjournment. Present His Excellency the Governor—his honor the L<sup>t</sup> Governor, & the Members of the Hon<sup>ble</sup> Council as usual—except M<sup>r</sup> Galusha who obtained Leave of Absence last evening.

An Act Granting to Elnathan Marvin £35 11 0 having passed the General Assembly was read & nonconcurred.

An Act Regulating the Election of Governor, L<sup>t</sup> Governor, Treasurer, Counsellors and Representatives, having passed the House was read and Concurred.

An act Granting Ephraim Doolittle Liberty to enter an appeal in a Certain Cause, read & Concurred with proposals of amendment.

An act Enabling the administrators of Charles Wolcott to sell real Estate read and Concurred with proposals of amendment.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

A packet was rec'd this day by his Excellency the Governor from the executive of the Common Wealth of Massachusetts, enclosing a Certain Letter, the Speech of His Excellency John Hancock Esq<sup>r</sup> at the opening of the Session, and the proceedings of the Legislature on the Subject of the suibilty of the State, by an individual, to answer before the Court of the United States, which several Letters and papers have [having] been read in their Order, Resolved that said Letter & other papers be communicated to the House Tomorrow Morning at the Opening of the House.

An act against Counterfitting & passing bills of public Credit, Coins, Notes &c. read & Concurred.

An act Granting a Tax of one penny half penny on the acre in Wildersburgh [Barre,] having passed the House was read and Nonconcurring, for the following reasons viz<sup>t</sup> It appears to this Council that two pence has been already Granted, and that the Town is sufficiently settled to repair their own roads in the usual way.

An act Granting a Tax of one penny on the acre in Starksboro—Fayston—Buel & Avery<sup>s</sup> Gores, read & Concurred.

An Act Granting Leave to Oliver Barrit and Others to raise by Lottery the sum of Two thousand and five hundred Dollars for the purpose of Clearing and amending the Navigation of Connecticut River having passed the General Assembly was read and Concurred.

Adjourned to 9 o'Clock Tomorrow.

#### FRIDAY 25<sup>th</sup> October 1793.

Met according to adjournment. Present His Excellency Governor Chittenden, his honor L<sup>t</sup> Governor Olcott, and the following members of the Hon<sup>ble</sup> Council viz<sup>t</sup> Jacob Bayley John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Luke Knoulton Ebenezer Marvin Paul Brigham Gideon Olin. Joseph Fay Sec<sup>y</sup>. W<sup>m</sup>. Sweetser Sherri<sup>ff</sup>.

Having rec'd no business from the House, adjourned to 2 o'Clock P. M. at which time the Governor and Council are to join the General Assembly in Grand Committee to take under consideration the petition of Isaac Gorham and Ezra Fellows. Having met agreeable to assignment the Committee agreed to the Motion of M<sup>r</sup>. [Noah] Smith to postpone the Consideration of the petition until M<sup>r</sup>. Adams could be Notified—the time proposed and agreed on is the first Tuesday of the meeting of the Legislature in October next.

An act for Creditting the Town of Fairlee £5 12 6 read and Concurred.

An act Granting a Tax of 2<sup>d</sup> p<sup>r</sup> acre in Sunderland & Stratton read & Concurred excepting Stratton which was rejected as a proposal of amendment.

Adjourned Until Tomorrow Morning.<sup>1</sup>

#### SATURDAY—Windsor 26 October 1793.

Met according to adjournment. Present his Excellency Governor Chittenden, his honor L<sup>t</sup> Governor Olcott, and the Members of the Hon<sup>ble</sup> Council as yesterday.

The Governor & Council joined the House in Grand Committee agreeable to the order of the day.

An act providing for the distribution of the Laws &c. having passed in Council was directed to be sent to the Gen<sup>l</sup> Assembly to be passed into a Law of this State.

An act directing the Treasurer to pay unto Elnathan Marvin the Sum of £35 11 0 being returned from the House without Agreeing to the amendments of the Council, Resolved that M<sup>r</sup>. Olin be requested to

<sup>1</sup> The Governor and Council joined the House, when the Governor presented sundry documents and resolutions from Massachusetts for an amendment to the constitution of the United States on the liability of states to suits in federal courts.—See *Appendix B*.

return the bill to the House & assign the reasons for nonconcurrence viz<sup>t</sup> that that Debt Originated before the existence of the State, therefore cannot be considered as a regular charge against this Government.<sup>1</sup>

A petition Signed by James Denison and others Inhabitents of Hartland praying for Compensation for Land Bought of the State in which the title failed, being Committed to join a Committee of Council, Resolved that Mess<sup>rs</sup> Olin & Marvin join said Committee.

An act for raising a Tax of 2<sup>d</sup> p<sup>r</sup> acre in Sunderland and Stratton was read having passed the General Assembly, [and] was recommended to be suspended until the next session of Assembly for further information.<sup>2</sup>

Adjourned to 2<sup>o</sup> Clock P. M.

Met according to adjournment.

Lewis R. Morris is Elected Brigadier General in Lieu of Stephen R. Bradley, resigned.<sup>3</sup>

An act Granting to Elnathan Marvin £35 11 0 having been returned to the General Assembly nonconcurred, by a Member of Council stating the reasons for their nonconcurrence, was again sent up by a member of the House, stating that the House could not recind [recede] from their Act, the Council Took the Second time under consideration & Resolved that the said act be suspended until the next Session of the Legislature in October Next.

An act regulating Election of Governor, L<sup>t</sup> Governor &c. read & Concurred with amendments.

[Adjourned to Monday morning next.]

#### MONDAY Windsor 28 October 1793.

Met according to adjournment. Present His Excellency Gov<sup>r</sup> Chittenden, his honor L<sup>t</sup> Governor Olcott and the following members of the Hon<sup>ble</sup> Council viz<sup>t</sup> Jacob Rayley John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Luke Knoulton Ebenezer Marvin Paul Brigham Gideon Olin. Joseph Fay Sec<sup>y</sup>. W<sup>m</sup>. Sweetser Sheriff.

An act for perpetuating Testimony Read and passed the Council & directed to be sent to the General Assembly to be passed into a Law of this State.

Adjourned & met again.

An act for regulating Goals and Goalers read & returned to the House by M<sup>r</sup>. Brigham with proposals of amendment.

<sup>1</sup> The reasons given by Mr. Olin were as follows:

That the arms and accoutrements, for which said bill is intended as a compensation, were furnished by the said Israel, [of whose estate Elnathan was administrator,] for the use of the continental army, and actually delivered in February 1777, which was previous to the organization of this State as an independent government.—See printed *Assembly Journal*, 1793, p. 123, where the name of the claimant is Merwin.

The Assembly adhered to its disagreement, and the Council suspended the bill until the next session.

<sup>2</sup> The House concurred, postponing the bill.

<sup>3</sup> The election was made in Grand Committee. Col. Elijah Robinson of Weathersfield was first elected, but he positively declined, when Col. Morris was elected.

An act Granting a Tax on the Grand List of this State of 2<sup>d</sup> on the pound read and Concurred.

An act Granting to Isaac Tichenor Esq<sup>r</sup> the sum of six pounds to be paid by the Treasurer read & Concurred.

An act regulating Goals & Goalers was returned by M<sup>r</sup> Farrand stating that the House would not agree to the amendments proposed by Council—ordered to lie until Tomorrow.

Adjourned to 9 o'Clock Tomorrow.

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TUESDAY 29<sup>th</sup> October 1793.

Met according to adjournment. Present as yesterday.

An act Granting 2<sup>d</sup> on the acre in Sunderland and one penny in Stratton, having passed the General Assembly was read & Concurred.

An act regulating Goals & Goalers being returned from the House by a Member stating the reasons why the House could not Agree with the amendments proposed by Council, the Council on reconsideration receded [receded] from part of their amendments & returned the bill to the House.

An act regulating the petit Jurors before the County Court read & Concurred.

An act directing the Treasurer to Credit the Town of Williston one pound and ten pence, having passed the House was read & Concurred.

An act for regulating the Militia, having passed the General Assembly was read & Concurred, with one amendment.

An act for discharging Elisha Peirce from his Creditors having passed the General Assembly was read and Concurred.

An act regulating the Militia being returned from the House by M<sup>r</sup> [Jonathan] Robinson stating the reasons why the House could not Concur with the amendments proposed.

Adjourned to 9 o'Clock Tomorrow.

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WEDNESDAY 30<sup>th</sup> October 1793.

Met according to adjournment. Present as yesterday.

Hon<sup>ble</sup>. Jonas Galusha returned and joined in Council.

An act regulating Goals and Goalers was returned to the House recommending to them to refer the further Consideration thereof until the next Session of the Legislature in October next.

An act dischargeing William Ward [of Burlington] from his Creditors read and Concurred with proposals of amendment.

An Act Granting a Tax of 2<sup>d</sup> p<sup>r</sup> acre in Vershire, read and Concurred.

An act Establishing the New County of *Orleans* to be one probate district, read & Concurred with amendments.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

An act empowering the Supreme Court to be a Court of Chancery for the examination and Trial of the forfeiture of Lands Granted by this State & by the late Governor of N. Hampshire, having been read in the House & Committed to join a Committee of Council, Resolved that Mess<sup>rs</sup>. Olin, Strong, Marvin & Galusha join s<sup>d</sup> Committee.

Adjourned to 9 o'Clock Tomorrow Morning.

**THURSDAY Windsor 31<sup>st</sup> October 1793.**

Met according to adjournment. Present as yesterday.

An act regulating Goals & Goalers being again returned from the House and Committed, Resolved that Mess<sup>rs</sup> Olin, Marvin and Knoulton join a<sup>d</sup> Committee.

An act in addition to an act regulating Town Meetings read & Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre in Chelsea read and Concurred.

An act regulating the publishing of Advertisements, having passed the General Assembly was read & Concurred.

An act empowering John Fassett Esquire to sell the real Estate of Benoni Grover, having passed the General Assembly was read & Concurred, with Amendments.

An act freeing the body of John Stevens from arrest in Civil Causes, and execution for one year, having passed the House was read & Concurred.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

An act for Collecting Surveys of the Towns for Making out a Map of the State having passed the General Assembly was read & concurred.

An [act] Granting a Land Tax of one penny p<sup>r</sup> [acre] in Shrewsbury read & Concurred.

An act Granting a Land Tax of one penny on Each acre of Land in Stamford read & Concurred.

An act to Suspend prosecution against Edmond Williams, read & Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre in Walden read & Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre in Reedsboro' read & Concurred.

An act appointing Auditors to settle with the States' Attorney & County Treasurers having passed the Council was sent to the General Assembly to be passed into a Law of this State.

An act in addition to an act entitled an act to encourage the destroy- ing of Wolves and Panthers read and Concurred.

An act for Granting a Tax of 2<sup>d</sup> p<sup>r</sup> acre in Sheffield having passed the House was read and returned to the House with a Recommendation to suspend it until Next Session on acc<sup>t</sup> of the dispute of the title.

An act Granting a Tax of one penny half penny p<sup>r</sup> acre in Brunswick & Minehead & 2<sup>d</sup> on Each acre of Land in Lemington read & Concurred.

An act discharging Aaron Parmeley from his Creditors read & Concurred.

Adjourned to 9 o'clock Tomorrow.

**FRIDAY 1<sup>st</sup> November 1793.**

Met according to adjournment. Present His Excellency Governor Chittenden, his honor L<sup>t</sup> Governor Olcott & the following Members of the Hon<sup>ble</sup> Council viz<sup>t</sup> Jacob Bayley John Fassett Thomas Porter Samuel Safford John Strong Ebenezer Walbridge Jonathan Hunt Luke Knoulton Ebenezer Marvin Paul Brigham Jonas Galusha Gideon Olin. Joseph Fay Sec<sup>y</sup>. W<sup>m</sup> Sweetser Shff.

An act in addition to an act Incorporating Vergeens read and Concurred.

An Act empowering the administrators [administratrix] on the Estate of James Lock Jun<sup>r</sup> to sell the real Estate, read and Concurred, with amendments.

An act Granting a Tax of one half penny p<sup>r</sup> acre in Middlesex read & Concurred adding a half penny.

An act Granting a Tax of one penny p<sup>r</sup> acre in Rochester read & Concurred.

An act affixing the Time & place when the Trustees of Athens Grammar School meet, read & Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre in Concord read & Concurred.

Adjourned to 2 o'Clock P. M.

Met according to adjournment.

An act discharging Stephen Keyes from his Creditors read & Concurred with this amendment viz<sup>t</sup> that the name of *Joshua Stanton* be inserted in lieu of *Stephen Pearl* on acc<sup>t</sup> of said Pearls being Sheriff of the County.

The Hon<sup>ble</sup> Gideon Olin Enters his dissent to the passing the act discharging Stephen Keyes from his Debts as being unconstitutional.

An act to Suspend the Operation of an Act Limiting the Time for Dividing the County of Windsor read & Concurred.

An Act discharging Luke Coffein from his Debts read & Concurred.

A Letter from General Philip Schuyler was rec<sup>d</sup>, requesting this State to assist in Opening the Lock Navigation from the North River to Lake Champlain, having been read in General Assembly and Committed to join a Committee of Council, Resolved that Mess<sup>rs</sup> Safford & Marvin join said Committee

An act authorising Jonas Lindon [Lyndon] Arnold to deed Lands as specified therein, Read & Concurred.

An act in addition to an act regulating Goals & Goalers read & Concurred.

An act Suspending a Cause in the Supreme Court viz<sup>t</sup> Cephas Smith against Frazer & Young, read & Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre in Woodbury read & Concurred.

Adjourned to 8 o'Clock Tomorrow.

SATURDAY 2<sup>d</sup> Nov<sup>r</sup> 1793.

Met according to adjournment. Present as Yesterday.

An act regulating the proceedings on petitions [for] Granting Land Taxes for repairing roads &c. read & Concurred.

An act Granting a Tax of one penny in Peacham--read & Concurred.

An act remitting to the Inhabitents of Alburgh certain Taxes read & Concurred.

An act Granting a Tax of one half penny p<sup>r</sup> acre on [Middlesex] read & Concurred.

An act appointing George Gage Collector of a Tax of one penny p<sup>r</sup> acre in Johnson read & Concurred.

An act Granting a tax of three farthings p<sup>r</sup> Acre on the lands in Bridgewater read & Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre in Glover & Barton read & Concurred.

An act Granting one penny half penny on the acre in Littleton [Waterford,] read and Concurred.



An act to Suspend the Operation of Law in favour of John Allen read & Concurred.—[To suspend prosecutions against John Allen, of Reading.]

An act Granting a Tax of one penny on each acre of Land in Waterbury read and Concurred.

An [act] Granting a Tax of 2<sup>d</sup> on the pound in the County of Addison read & Concurred.

An act Granting a Tax of one penny on each acre of Land in Westfield & Jay was read & Suspended until next Session of Assembly.

An act in addition to the act for Limitation of actions, read & Concurred with an amendment.

An act in addition to an act for the settlement [of] Testate & Intestate Estates read & Concurred.

Adjourned to 2 o'clock P. M.

Met according to adjournment.

A bill from the House was rec'd appointing Mess<sup>rs</sup> Sanderson, Crafts & Spafford to join a Committee of Council to State the Granting fees on a small Gore of Land between Alburgh & Huntsburgh [Franklin,] Resolved that Mess<sup>rs</sup> Hunt & Walbridge join said Committee.

An act in addition to an act for regulating Militia read & concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre on all the lands in *Lut-terloh* [Albany,] *Irassburgh*, *Coventry* & *Dunkensboro* [Newport,] read & Concurred with amendments.

An act directing the Sheriff in Windsor County what Goal to keep in repair—read & Concurred.

An act in addition to an act empowering Sheriffs & Constables to Commit persons to Goal out of their Counties read & Concurred.

An act Granting a Tax of one penny p<sup>r</sup> acre in Philadelphia [part of Goshen and Chittenden,] read & Concurred.

Adjourned to 8 o'clock Monday next.

#### MONDAY 4<sup>th</sup> November 1793.<sup>1</sup>

Met according to adjournment. Present as yesterday.

An Act in addition to an Act laying a Tax on Panton read & Concurred adding Gen<sup>l</sup> Strong to the Committee.

An act Granting a Tax of one penny on Westfield read & passed.<sup>2</sup>

An act Granting the exclusive Right of keeping a Ferry between Colchester and South Hero read & concurred.

An act regulating proceedings for Taxes [asked for] by petitions read & Concurred.

A bill from the House was rec'd appointing M<sup>r</sup>. J. Robinson to join a Committee of Council to fill the blanks in the appropriation bill.—Resolved that M<sup>r</sup>. Galusha Join said Committee.

Resolved that M<sup>r</sup>. Galusha be directed [to] Call on the Treasurer & receive the Debenture of Council & rec<sup>d</sup> the same.

<sup>1</sup> From the printed *Assembly Journal*, Nov. 4 1793:

Resolved that there be allowed to his Excellency Thomas Chittenden, Esquire, the sum of eighteen pounds, fifteen shillings, to defray expenses necessarily incurred on Election day.

<sup>2</sup> An amendment to the House bill taxing Westfield and Carthage *alias* Jay, excluding Carthage; with which the House concurred.

An act appointing a Committee for fixing on a place for the Sitting of the Supreme & County Courts in the County of Chittenden read & Concurred with amendments.

An act making further provisions for the return of writs & executions to the Supreme Court read & suspended until next Session of Assembly.

Resolved that Secretary Fay be directed to Call on Micah Townsend Esquire late Secretary of State, for the Records remaining in his hands relative to the Grants of Lands or Charters Issued, or any other records which belong to the Council which remain in his hands, and the said Micah Townsend is directed to deliver over the said records accordingly.

An act Granting a New Tryal to Benjamin Smith read & Concurred.

An act for disposing of fines and penalties, read & Recommended to the House to be suspended until next Session of Assembly.

Resolved that the second Wednesday in April next be Observed as a day of public fasting & prayer throughout this State.

An Act for paying to William Gallup and others the sum of £385 0 10 read & Concurred.

An Act Making appropriations for the year 1793 read & Concurred.

An act Granting to Ebenezer Marvin Esq<sup>r</sup>. A Gore of Land read and Concurred.

Ebenezer Crafts Esquire is Elected Judge of Probate for the district of Orleans, & Commissioned accordingly.

#### DEBENTURE OF COUNCIL FOR WINDSOR SESSION.

L<sup>t</sup> Governor Olcott £20 4 8, Jacob Bayley 10 16 8, John Fassett 13, Thomas Porter 10 15 4, Samuel Safford 12 2, John Strong 12 8 8, Ebenezer Walbridge 12 2 0, Jonathan Hunt 10 19 4, Ebenezer Marvin 10 15 4, Paul Brigham 9 16 8, Luke Knoulton 10 14, Jonas Galusha 8 5 4, Gideon Olin 11 15 4, Joseph Fay Sec<sup>y</sup>. 14 14, W<sup>m</sup>. Sweetser Sherriff 7 17 4.—£176. 6. 8.

THE END OF THE OCTOBER SESSION FOR THE YEAR 1793.

JOSEPH FAY Sec<sup>y</sup>.

# EIGHTEENTH COUNCIL.

OCTOBER 1794 TO OCTOBER 1795.

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THOMAS CHITTENDEN, Williston, *Governor*.

JONATHAN HUNT, Vernon, *Lieutenant Governor*.<sup>1</sup>

## *Councillors:*

JOHN FASSETT, Cambridge,<sup>2</sup>

THOMAS PORTER, Tinmouth,<sup>3</sup>

SAMUEL SAFFORD, Bennington,

JOHN STRONG, Addison,

EBEN'R WALBRIDGE, Bennington,

LUKE KNOULTON, Newfane,

EBENEZER MARVIN, Franklin,

PAUL BRIGHAM, Norwich,

JONAS GALUSHA, Shaftsbury,

GIDEON OLIN, Shaftsbury.

JOHN WHITE, Georgia,

CORNELIUS LYNDE, Williamst'wn,<sup>4</sup>

ELIJAH ROBINSON, Weathersfield.<sup>5</sup>

JOSEPH FAY, Bennington, *Secretary*. } Until Oct. 18 1794, when  
JOHN FAY, Bennington, *Deputy Sec'y*. } Sec. Fay resigned.

TRUMAN SQUIER, Manchester, *Secretary*, from Oct. 18, 1794.

JONATHAN BELL, Rutland, *Sheriff*.

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## BIOGRAPHICAL NOTICES.

JOHN WHITE, a descendant from a contemporary of William Penn, was born in Esopus, N. Y. and settled in Arlington some years prior to 1783, as in that year he was appointed Assistant Judge of Bennington County Court. He held that office until 1787, when he removed to Burlington with an intention of settling in the town of Georgia. Oct. 22 1787 he was appointed Assistant Judge of Chittenden County Court, and he held that office until 1796, the year 1793 excepted. In 1796 he was

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<sup>1</sup> Lieut. Gov. Olcott declined a re-election.—See *Appendix C*. There having been no election by the people, Mr. Hunt was elected in grand committee, Oct. 10 1794.

<sup>2</sup> Judge Fassett was elected by the people but did not take his seat.

<sup>3</sup> Resigned Oct. 29 1794.

<sup>4</sup> Elected in grand committee, Oct. 11 1794, vice Hunt "promoted."

<sup>5</sup> Elected in grand committee, Oct. 29 1794, vice Porter resigned.

appointed to the same office in Franklin County, and reappointed in 1797. His judicial service therefore covered ten years. He was elected representative of Georgia in the Assembly in 1790, 1794, and 1800; but in 1794 he was also elected a member of the Council, and he served in that body. His service in the Council was from 1794 until 1798, and from 1801 until 1808—eleven years. He was a member of the Council of Censors in 1792, and 1799; of the Constitutional Convention in 1791, and 1793; and a Presidential Elector in 1808. "He was a man of character and ability, making up for his want of education by habits of close observation, and the practice of a sound common sense."—*Vt. Hist. Magazine*, Vol II, p. 238; *Deming's Catalogue*; and *Vermont Legislative Directory*.

CORNELIUS LYNDE, one of the original grantees of the town of Williamstown, was born in Leicester, Mass., Aug. 16, 1751. He served a regular apprenticeship in the clothier's trade until he was twenty-one; shortly after entered Harvard College, but on the opening of the revolutionary war he joined the army and served through the war, being a lieutenant when he was discharged. He then went to Williamstown, Mass., probably to pursue his studies further, since in 1785 he came to Williamstown, Vt., and was employed by the proprietors to survey and allot the land. He was the first town clerk, elected in 1787, and held that office until 1797. He was town representative from 1791 until 1794, and was elected for 1794, but was transferred to the Council. He was Councillor from 1794 until 1799; Judge of Orange County Court from 1793 until 1798; and a delegate in the Constitutional Convention of 1791. Judge Lynde was associated with Judge Elijah Paine in public enterprises, and with him labored for the establishment of the State University at Williamstown, instead of Burlington. Judge Lynde died at Williamstown in 1836.

Col. ELIJAH ROBINSON first appeared in the Vermont records as representative for Weathersfield in 1782, which station he filled in 1783, and from 1792 until Oct. 29 1794, when he was appointed Councillor. To this office he was elected annually until 1802. In 1783 he was a member of the Board of War, and in 1786 he served as Lieut. Colonel in suppressing the attempted insurrection in Windsor County. He was judge of Windsor County Court from 1782 until 1787, again from 1788 until 1801, and Chief Judge in 1802—making nineteen years of judicial service. He was also a member of the Council of Censors in 1785. In 1793 he was elected Brigadier General, but refused to accept the office.—B. H. Hall's *Eastern Vermont*; *Deming's Catalogue*; and *Vermont Legislative Directory*. His death was announced in *Spencer's Vermont Journal* of Feb. 13 1809 as follows:

Died at Weathersfield, on the 25th ult. universally lamented, the Hon. ELIJAH ROBINSON, Esq. aged 73, an officer of the late revolutionary army of the United States. Col. Robinson sustained his share in the

services of his country in the war of 1755, [and] was one of the number who in 1759 traversed the then wilderness from Charlestown [N. H.] to Crown Point. At the commencement of the contest which terminated in the emancipation of these States, he repaired again to the "tented field," and contributed several years personal services to our freedom and independence. At the close of the revolution he retired to a wilderness to repair a fortune exhausted in the services of his country. Since his residence in this State he has sustained and discharged several important civil offices with honor and integrity—he was moreover a virtuous, exemplary and religious man. His remains were committed to the silent tomb on the Saturday following, accompanied by the greatest concourse of people ever witnessed in this country on a similar occasion.

TRUMAN SQUIER, of Manchester, attorney, resigned the Secretaryship on the 15th of October 1798, and on the 25th of the same month the Governor and Council appointed him Judge of Probate for the District of Manchester, vice "a Mr. Stone [Luther Stone,] who was elected a Judge of Probate for the District of Manchester the last year and had declined qualifying as such." Mr. Squier was appointed to the same office for the year 1798-9; and also State's Attorney for Bennington County in 1798 and 1799.

**RECORD OF THE GOVERNOR AND COUNCIL**  
**AT THE**  
**SESSION OF THE GENERAL ASSEMBLY AT RUTLAND,**  
**OCT. 1794.**

STATE OF VERMONT, RUTLAND Oct. the 9, A. D. 1794.

At a meeting of the Governor & Council this Day Convened, Present his Excellency Thomas Chittenden Esq<sup>r</sup> Governor, and the following members of the Hon<sup>ble</sup> Council Viz. Samuel Safford Ebenezer Walbridge John Strong Jonathan Hunt Luke Knoulton Paul Brigham Jonas Galusha. Joseph Fay *Sec<sup>r</sup>*. John Fay *Dr. Sec<sup>r</sup>*. Jonathan Bell *Sheriff*.

Resolved that a Committee of seven to Consist of one member from each County be appointed to join such Committee as the General Assembly shall appoint for the purpose of Receiving, Sorting & Counting the Votes of the Freemen for the Governor, Lieu<sup>t</sup> Governor, Council & Treasurer and Declare the several persons who shall appear to be Duly elected for the year ensuing according to Law,—Members chosen, Mrs. Walbridge, Strong, Knoulton, Brigham, Safford, Porter & Hunt.

A Bill from the House was received appointing a Committee Consisting of two members from each County to join a Committee of Council for the receiving, sorting & Counting the Votes of the Freemen for [officers for] the year ensuing—Resolved that M<sup>rs</sup>. Safford, Knoulton, Brigham & Strong Join said Committee.

Adjourned untill 9 O'clock to morrow.<sup>1</sup>

RUTLAND Oct. the 10 A. D. 1794.

Council met according to adjournment. Present his Excellency Thomas Chittenden Esq<sup>r</sup> Gov<sup>r</sup> and the following Members of the Hon<sup>ble</sup> Council Viz. Samuel Safford Ebenezer Walbridge John Strong Jonathan Hunt Luke Knoulton Paul Brigham Jonas Galusha John White. Joseph Fay *Sec<sup>r</sup>*. John Fay *Dr. Sec<sup>r</sup>*. Jonathan Bell *Sheriff*.<sup>2</sup>

<sup>1</sup> From *The Farmers' Library* of Oct. 21 1794:

On Thursday the 9th Oct. inst. his Excellency the Governor, together with both branches of the Legislature, met at the State-House in this town, thence proceeded to the Meeting-House, escorted by a company of Infantry, where they were entertained by a patriotic and instructive discourse, by the Rev. Samuel Williams, L. L. D. from the IX Chapt. & 7—15th verses of Judges, ornamented with instrumental and vocal music.

<sup>2</sup> The House, on opening the session of Oct. 10, adopted the following:

Resolved, That Mr. Williams [Hon. Samuel, of Rutland,] be requested to wait on the Rev. Doctor Samuel Williams, [also of Rutland,] and desire him to officiate as chaplain to the house this morning.

Resolved, That Mr. E. Robinson be requested to wait on his excellency, the Governor and Council, and inform them that the house are now ready for prayers.

On the same day the House elected Rev. Dr. Williams as chaplain.

The Committee chosen for receiving sorting & counting the Votes of the Freemen for Gov<sup>r</sup>. Lieut Gov<sup>r</sup>. Treasurer and Councillors for the State of Vermont for the year ensuing, Reported the following Persons Duly elected to wit, Thomas Chittenden Esq. Governor, (no choice for Lieut Gov<sup>r</sup>.) Samuel Mattocks Esq. Treasurer, And Paul Brigham, Samuel Safford, Ebenezer Marvin, Jonathan Hunt, Jonas Galusha, Luke Knoulton, Gideon Olin, John Fassett, Ebenezer Walbridge, John Strong, Thomas Porter, & John White Esquires Councillors.

The Council adjourned untill 2 o'clock in the afternoon.

Met according to adjournment.

A Bill from the House was received and Read appointing a Committee consisting of Two members from each County Chosen to join such a Committee as the Council shall appoint to arrange the Business of the Present Session.—Members Chosen Mess<sup>rs</sup>. J. Robinson, Selden, Bridgman, Campbell, Williams, Lee, E. Robinson, Buck, Thompson, Linsley, Cahoon, Lynde, Chittenden and Hatheway. Resolved that Mess<sup>rs</sup> Brigham and White Join said Committee for the purposes in said Bill Contained.

The Hon. Ebenezer Marvin Esq<sup>r</sup> arrived & took his seat in Council.

The Governor and Council proceeded to the House and Joined in Grand Committee for the Election of Lieut. Gov. and Judges of the Supreme Court, and made choice of the Hon<sup>ble</sup> Jonathan Hunt Esq<sup>r</sup> Lieut. Governor and the Hon<sup>ble</sup> Isaac Tichenor Esq<sup>r</sup> Chief Judge, the Hon<sup>ble</sup> Elijah Paine first assistant Judge & The Hon<sup>ble</sup> Enoch Woodbridge Esq<sup>r</sup> second side or assistant Judge of the Supreme Court.

The Hon<sup>ble</sup> Jonathan Hunt Esq<sup>r</sup> prayed to be excused the acceptance of his appointment.

Resolved that this Committee adjourn untill the opening of the House tomorrow morning.

The Council Returned and adjourned to 9 O'clock tomorrow morning.

#### SATURDAY October the 11 Day A. D. 1794.

Council Met according to adjournment. Present his Excellency Thomas Chittenden Esq. Governor & the following members of the Council Viz. Samuel Safford, John Strong, Ebenezer Walbridge, Jonathan Hunt, Luke Knoulton, Ebenezer Marvin, Paul Brigham, Jonas Galusha, John White. Joseph Fay Sec<sup>y</sup>. John Fay Dep. Sec<sup>y</sup>. Jonathan Bell Sheriff.

Council proceeded to the House to Join in grand Committee according to the Adjournment and the Hon<sup>ble</sup> Jonathan Hunt Esq<sup>r</sup> accepted of his appointment as Lieut. Governor and was Duly Qualified to that Office according to Law.<sup>1</sup>

<sup>1</sup> From the printed *Assembly Journal* of Oct. 11 1794:

His Excellency laid sundry papers before the house: among which was an act, passed by the Congress of the United States, at their session at Philadelphia, requiring a detachment from the militia of this state, to be held in readiness, as minute men.

Also, the proceedings of the Governor and Council, at Rutland, in June last, who were convened in consequence of the requirements made in the aforesaid act.

Also, the correspondence between his Excellency, and the Honorable Edmund Randolph, Esquire, Secretary of the United States, relative to

Adjourned to 2 O'clock in the afternoon.

Met according to adjournment and again Adjourned untill Monday next 10 O'clock forenoon.

MONDAY October the 13 Day A. D. 1794.

Council met according to adjournment. Present His Excellency Thomas Chittenden Esq<sup>r</sup> Governor, His Honor Jonathan Hunt Esq<sup>r</sup> Lieut<sup>g</sup> Governor, And the following members of the Hon<sup>ble</sup> Council Viz. Samuel Safford, John Strong, Ebenezer Walbridge, Luke Knoulton, Ebenezer Marvin, Paul Brigham, Jonas Galusha, John White. Joseph Fay Sec<sup>y</sup>. John Fay Dep<sup>y</sup> Sec<sup>y</sup>. Jonathan Bell Sheriff.

A Bill from the House appointin a Committee of one member from each County to Join such Committee as the Council shall appoint to receive all Petitions praying for Lotteries,—State facts and make Report, Members Chosen Mess<sup>rs</sup> J. Robinson, Bigelow, Lyon, Gallup, Thompson, Arnold and Hatheway. Resolved that Gen. Strong Join said Committee for the purpose therein said Bill mentioned.

The Petition of the Inhabitants of the Town of Dummerston praying for a Lottery for the Purpose of Building a Bridge over West River in said Town was Read and a Committee from the House appointed thereon to Join a Committee from Council—Resolved that M<sup>r</sup> Strong Join said Committee.

The Petition of the Church & Society of Brandon praying for a Lottery for the Purpose of Building a Meeting House for the Public Worship of God in said Town was Read and a Committee of the House appointed thereon to Join a Committee of Council—Resolved that M<sup>r</sup> Strong Join said Committee.

The Council receiving a Message from the House requesting them to Join in Grand Committee for the Purpose of Nominating a Senator to Congress—Resolved that this Council proceed to the House accordingly.

IN GRAND COMMITTEE.

Roswell Hopkins Esq. appointed Clerk. Resolved that this Day afternoon be assigned for the nominations of County Officers. Resolved that tomorrow morning be assigned at the Opening of the House for the nomination of a Senator to Congress. Grand Committee adjourned till to morrow 10 O'clock forenoon.

The Hon<sup>ble</sup> Cornelius Lynde Esq<sup>r</sup> Chosen Councillor in stead of his

certain complaints made by Mr. Hammond, the British Minister; together with sundry affidavits relating to the subject of those complaints.

And, also, a letter from the Honorable Stephen R. Bradley, Esquire, one of the Senators of this state, in the Senate of the United States, inclosing an extract from the Journal of the Senate of the 7th of November, 1791; by which his seat in the Senate will become vacant on the 4th of March, 1795.

Which were read. And, on motion, Ordered, That they lie on the table.

In drawing for his class, Senator Bradley drew the term of four years.

The proceedings of the special session of the Governor and Council, June 1794, were never recorded; but their resolutions, and orders of the Governor on military matters, were printed in the Vermont newspapers of that period. For these see *Appendix F*; and for complaints of British minister, &c. see *Appendix E*.



Honor Jonathan Hunt Esq<sup>r</sup>. Promoted.<sup>1</sup> The Hon<sup>ble</sup> Cornelius Lynde Esq<sup>r</sup>. Came forward [and] after being Duly Qualified took his seat in Council.

The Petition of Sundry Inhabitants [of different towns in Windsor county] praying for a Lottery for the Purpose of making a Road from Chester to Rutland, was Read and referred by the House to the Lottery Committee. Resolved that it be referred to said Committee.

The Petition of the Inhabitants of the Town of Salisbury, praying that their Jurisdictional Priviledges might extend to the Limits as Described in their Charter, was Read and by the House was referred to Mess<sup>rs</sup> Bridgman, J. Robinson, Spooner, Davis, & Harvey to Join a Committee from Council, State facts and make Report. Resolved that M<sup>r</sup> Brigham Join said Committee for that purpose.

Adjourned to 2 O'clock afternoon.

Met according to adjournment.

The Hon<sup>ble</sup> Thomas Porter Esq<sup>r</sup>. arrived & took his seat in Council.

Adjourned till 9 O'clock tomorrow morning.

#### TUESDAY the 14 Day of Oct. A. D. 1794.

Council Met according to adjournment. Present His Excellency Thomas Chittenden Esq<sup>r</sup>. Governor, His Honor Jonathan Hunt Esq<sup>r</sup>. Lieut<sup>t</sup> Governor, And the following Members of the Hon<sup>ble</sup> Council Viz. Thomas Porter, Samuel Safford, John Strong, Ebenezer Walbridge, Luke Knoulton, Ebenezer Marvin, Paul Brigham, Jonas Galusha, John White, Cornelius Lynde. Joseph Fay Sec<sup>y</sup>. John Fay Dr<sup>y</sup> Sec<sup>y</sup>. Jonathan Bell Sheriff.

The Ballots being taken for the person to be in nomination to Represent this State in the Congress [Senate] of the United States, when the Hon<sup>ble</sup> Elijah Paine Esq<sup>r</sup>. was Duly nominated by a Majority of Votes and Declared accordingly.

A Message from the House by M<sup>r</sup> Jacob, Requesting the Council to Join in Grand Committee for the purpose of nominating [completing the election of] a Senator to Congress. Return made that the Council was not then ready.

Afterwards the Council proceeded to the House and Joined in Grand Committee—when the Hon<sup>ble</sup> Elijah Paine Esq<sup>r</sup>. was Declared to be Duly nominated [elected] to Represent this State in the Congress of the United States.<sup>2</sup>

Resolved that this Committee proceed upon the Business of the County Elections, and proceeded accordingly.

Adjourned till 2 O'clock afternoon.

Met according to adjournment, and proceeded to the House and Joined in Grand Committee according to adjournment and proceeded to Complete the Business of the County Elections.

On motion, Nominated & appointed James Whitelaw Esq<sup>r</sup>. Surveyor General for the year ensuing.

Committee adjourned till 9 O'clock to Morrow Morning.

ROSSELL HOPKINS Clerk.

#### IN COUNCIL.

A Bill from the House appointing a Committee of one member from each County to Join such a Committee as the Council shall appoint to receive and take under Consideration all Petitions praying for new

<sup>1</sup> Mr. Lynde was elected by the Grand Committee on the 11th.

<sup>2</sup> See Appendix C.

Trials between party and party, state facts and make Report—Members Chosen Mess<sup>rs</sup> Todd, Henry, Lee, E. Robinson, Linsley, Arnold & E. Sheldon; Resolved that Mr. Strong Join said Committee for the Purposes in the said Bill mentioned, to State facts and make Report.

The Petition of Sundry Inhabitants in Different Towns in Windsor County praying for a Lottery for the Purpose of making a Road from White River thro' Bridgewater was Read and by the House refered to the Lottery Committee. Resolved that it be refered to the Lottery Committee.

The Petition of the Inhabitants of Wells Complaining that by reason of a Certain Mill Dam erected at the Lower end of Wells Pond by Elkanah Cobb and Simeon Francis great sickness and Deaths had Visited the Inhabitants of Wells and thereof [therefore] praying that the said Dam might be Demolished or some remedy to be Provided, was Read and Refered to Mess<sup>rs</sup> E. Robinson, Harvey, Campbell, Wright, Hammond, Thompson & J. Spafford as a Committee to join a Committee from Council, State facts and make Report. Resolved that Mr. Marvin Join the said Committee to State facts and make Report.

The Petition of Timothy Miles of Randolph setting forth that he had been a great sufferer in the Last War by the Depreciation of Paper Money and Captivity and that one James Blodgett in his behalf had given his note for the granting fees of a Right or Share of Land in said Randolph which had been put in suit and a Recovery thereon had and thereof praying to be releived by a Discharge of said Blodgett from said Recovery—was read and Mess<sup>rs</sup> Selden, Bigelow, Lee, Stephens [Elias Stevens,] Hide, Harvey and Brownson, appointed a Committee to Join a Committee of Council to State facts &c. and make Report. Resolved that Mr. White Join the said Committee to State facts &c. and make Report.

The Petition of William Evens [Evans,] praying to be favoured and releived from a Recovery had and Obtained against him on a note of hand given for granting fees of a Right in Randolph he having suffered greatly by Indians &c. in the Last War [was] Read and by the House refered to the Committee [on the petition] of Timothy Miles. Resolved that it be refer'ed to the Committee appointed on the Petition of Timothy Miles.

The Petition of Joseph Baker praying that an Award before Samuel Lane and John White Esquires in favour of Jacob Davis made against him and affirmed and accepted by the County Court of the County of Orange, might be set aside and he the said Joseph restored to his Law for Cause that Two of the Persons of the three appointed to the Reference had undertaken on the Refusal of the third to make up the award and in that undue respect was had to evidence [which ought] not to have been admitted—Read and by the House refered to the Committee on all Petitions praying for new trials between party and party. Resolved that it be so refer'ed.

The Petition of Lemuel White praying for a new trial of a Cause recovered against him by John Lovel for that new evidence had since been Discovered to Vary the Determination of the Cause. Read and by the House referred to the Committee appointed to receive all Petitions praying for new Trials between party and party. Resolved that it be referred accordingly.

The Petition of Zadoc Steel of Randolph setting forth that he had been a great sufferer in the Last War By reason whereof he had been unable & prevented the taking up of a Certain note which one James Steel had given in his behalf for the granting fee of a Right of Land in said Randolph, which note had been sued and a Recovery had thereon,

praying to be relieved of the same. Read and by the House Referred to the Committee appointed on the Petition [of] Timothy Miles. Resolved that Mr. White Join the above Committee.

The Petition of the Inhabitants of Alburgh praying for new Trials of two Ejectment Causes recovered against them by Ira Allen Esq<sup>r</sup> and John Knickerbacor Esq<sup>r</sup> in behalf of the Proprietors of Alburgh. Read and by the House referred to the Committee appointed to Receive and take under Consideration all Petitions between party and party. Resolved that Mr. Strong Join said Committee.

The Petition of Sundry Towns praying for a Lottery for the purpose of making a Road from Basset's Meeting House in Chester to Rutland. Read and by the House referred to the Lottery Committee. Resolved that Mr. Safford in Lieu of Mr. Strong Join the above Committee.

The Petition of Ahimaaz Sherwin a Prisoner in the Common Goal in Woodstock, praying to be relieved and released from a Certain fine of fifty pounds inflicted on him by the Supreme Court on his Conviction of having assisted Elihu Mather to make his escape from the Goal in said Woodstock. Read & Resolved that the fine be remitted and that the said Ahimaaz be released of the same.

Council Adjourned till 9 O'clock to Morrow Morning.

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RUTLAND Oct. the 15 Day A. D. 1794.

Council Met according to adjournment. Present His Excellency Thomas Chittenden Esq<sup>r</sup> Gov. His Honor Jonathan Hunt Esq<sup>r</sup> Lieut<sup>t</sup> Gov.—And the following Members of the Hon<sup>ble</sup> Council Viz. Thomas Porter, Samuel Safford, John Strong, Ebenezer Walbridge, Luke Knoulton, Ebenezer Marvin, Paul Brigham, Jonas Galusha, John White, & Cornelius Lynde. Joseph Fay *Sec<sup>y</sup>*. John Fay *Dr<sup>y</sup> Sec<sup>y</sup>*. Jonathan Bell *Sheriff*.

Council proceeded to the House and Joined in Grand Committee according to adjournment and made Choice of Lott Hall Esq<sup>r</sup> Assistant Judge of the Supreme Court.

Grand Committee Dissolved.

ROSWELL HOPKINS *Clerk*.

The Petition of Samuel Sheldon of Hungerford *alias* Sheldon setting forth that he had built a Gristmill and Sawmill on Black Creek in said Sheldon and that the Dam had flowed more Ground than was expected By reason whereof he was threatened with several prosecutions and thereof praying to be relieved by the appointment of the Judges of the Supreme Court or their Successors in Office to assess the Damages Done. Read & Referred to Mess<sup>rs</sup> P. Wright, Silas Akin, Morey, and Spooner to Join a Committee of Council. Resolved that Mr. Lynde join the above Committee.

The Petition of the Inhabitants of Castleton & adjacent Towns for the removal of a Dam in said Castleton which proved injurious to the Healths of the Inhabitants. Read and by the House referred to Mess<sup>rs</sup> P. Wright, Silas Akin, Morey, & Spooner to join a Committee from Council, State facts and make Report. Resolved that Mr. Lynde Join the said Committee.

The Petition of Elisha Baker and others praying the establishment of the Jurisdictional Line between Sudbury and Whiting. Read and by the House referred to the Committee appointed on the Petition of Salisbury and Leicester. Resolved that Mr. Brigham join the above Committee.

The Petition of Francis Culver, Zadoc Remington and others praying to be secured against further prosecutions at Law by Josiah Brush of Castleton by reason of the Petitioners Mill Dam in said Castleton over-

flowing his Land and that Commissioners might be appointed to assess the Damages Done by the overflowing of said Dam. Read and by the House referred to Mess<sup>rs</sup> P. Wright, Silas Akins, Gen. Morey, & Mr. Spooner to Join a Committee of Council, State facts and make Report. Resolved that Mr. Lynde Join the said Committee.

The Petition of the Inhabitants of the Town of Stockbridge praying for a Lottery for the Purpose of Building a Bridge over White River. Read and by the House referred to the Lottery Committee. Resolved that Mr. Safford Join the above Committee. Resolved that Mr. Strong be released from the Lottery Committee agreeable to his request and that Mr. Safford be appointed in his stead.

A Bill from the House (as follows) that the tenth Article in the arrangement of the Business of the Present Session Viz. that some effectual measures be taken to Direct the selectmen to take actual Possession of the Glebe and Propagation Rights in the several Towns in this State, be referred to a Committee consisting of one member from each County to join such a Committee as the Council shall appoint. Members Chosen Mess<sup>rs</sup> Bradley, Whitney, Williams, Gallup, Linsley, W. Chamberlin [Wm. Chamberlain.] & Coit. Resolved that Mr. Galusha Join the said Committee.

A Bill from the House that the sixth Article in the arrangement of the Business of the present Session Viz. that some amendments & alterations be made to the act regulating the Militia & that effectual measures be taken to arm & Equip the same, be referred to a Committee Consisting of one member from each County to Join such Committee as the Council shall appoint. Members Chosen Mess<sup>rs</sup> J. Wright, Campbell, A. Spafford, E. Robinson, Marshal Smith, W. Chamberlin, & J. Spafford. Resolved that Mr. Brigham Join the said Committee.

The Petition of Timothy Wood of Townshend in the County of Windham praying for a new Trial of a Cause which Joseph Tyler Esq<sup>r</sup> has recovered against him for cutting and felling his apple Trees, Stating that new evidence had since the Recovery been Discovered. Read & by the House referred to the Committee appointed to Receive & take under Consideration all Petitions praying for new Trials between Party & Party, State facts and make report. Resolved that Mr. Strong Join the said Committee.

The Petition of John Hills of Charlotte praying for a new Trial of a Cause which John Frazer had recovered against him Stating that he had been Defaulted without any Opportunity of making Defence. Read and by the House Referred to the Committee appointed to receive & take under Consideration all Petitions praying for new Trials between Party & Party. Resolved that Mr. Strong Join the above said Committee.

The Petition of Seth Putnar [Putnam] & Others praying for a Lottery for the Purpose of Building Two Bridges across Onion River near the Hogg-Back Mountain in Middlesex & Waterbury in the County of Chittenden. Read & Referred [by the House] to the Lottery Committee to State facts & make Report. Resolved that Mr. Safford Join the said Committee.

Adjourned to 2 O'clock in the afternoon.

Met according to adjournment.

A Bill from the House requesting a Copy of Mr. Elijah Paine's Letter to his Excellency Resigning his Office as Judge of the Supreme Court & accepting that of Senator.—Resolved that a Copy be sent.<sup>1</sup>

[Adjourned until to morrow morning.]

<sup>1</sup>The letter had been read in Grand Committee, preceding the election of Judge Hall, which had been recorded in the journal of the Council.

RUTLAND Oct. the 16 Day A. D. 1794.

Council met according to adjournment. Present his Excellency Thomas Chittenden Esq<sup>r</sup> Gov<sup>r</sup>. His Honor Jonathan Hunt Lieut<sup>t</sup> Gov<sup>r</sup>. And the following members of the Hon<sup>ble</sup> Council Viz. Thomas Porter, Samuel Safford, John Strong, Ebenezer Walbridge, Luke Knoulton, Ebenezer Marvin, Paul Brigham, Jonas Galusha, John White & Cornelius Lynde. Joseph Fay *Sec<sup>r</sup>*. John Fay *De<sup>r</sup> Sec<sup>r</sup>*. Jonathan Bell *Sheriff*.

A Bill from the House requesting his Excellency the Gov<sup>r</sup> & Council to Join the House of Representatives at the Opening of the House on [this] Thursday morning next to take under Consideration the Petition of John Roberts and Christopher Roberts. Resolved to Join the House in Grand Committee for that Purpose and proceeded & Joined the House accordingly.<sup>1</sup>

The petition of the Selectmen of the Town of Sandgate praying for a Lottery to raise five hundred Dollars for the Purpose of making a Road from Sandgate across the mountain to Manchester or Dorset Was read and by the House referred to the Lottery Committee. Resolved that Mr Safford Join the said Committee.

A Bill from the House requesting his Excellency the Governor to appoint the first Thursday of Decm<sup>r</sup> next to be Observed as a Day of Public Thanksgiving & Praise. His Excellency the Governor by the advice of Council hath therefore thought fit to appoint the first Thursday of December next to be observed as a Day of Public Thanksgiving and Praise throughout this State.

Adjourned till 9 Oclock to morrow morning.

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FRIDAY Oct. 17 Day A. D. 1794.

Met according to adjournment. Present his Excellency Thomas Chittenden Esq<sup>r</sup> Gov, his Honor Jonathan Hunt Esq<sup>r</sup> Lieut<sup>t</sup> Gov, And

Perhaps the House subsequently asked for a copy to be entered and printed in its journal, but there is no record of such a request in the journal of the House.

<sup>1</sup> The petitioners stated that, in 1775 and 1776, James French, then of Manchester, was indebted to them in the sum of sixty pounds, which remained unpaid; that French "absconded, and joined the enemies of the United States," and his real and personal estate was confiscated to the use of Vermont; wherefore they prayed that they might receive from the State a just proportion, with other creditors, of French's estate. There were several cases of the kind, and this seems to have been made a test. After "a discussion on the subject of the petition upon general principles," on motion of Hon. Daniel Buck, who was then Speaker of the House, the Grand Committee resolved to recommend to the legislature *not* to make provision for the payment of the debts of any person whose property had been confiscated in consequence of their treasonable conduct. The House concurred, and the petitioners had leave to withdraw.

Gov. Chittenden then delivered to the Grand Committee a letter from the Hon. Samuel Knight, on retiring from the office of Chief Justice of the Supreme Court, for which see *Appendix C*.

the following Members of the Hon<sup>ble</sup> Council Viz. Thomas Porter, Samuel Safford, John Strong, Ebenezer Walbridge, Luke Knoulton, Ebenezer Marvin, Paul Brigham, Jonas Galusha, John White, and Cornelius Lynde. John Fay *Dr.* [*Sec.*] and Jonathan Bell *Sheriff*.

The Hon<sup>ble</sup> Gideon Olin Esq<sup>r</sup> arrived and being Duly Qualified took his seat in Council.

The Petition of the Selectmen of Manchester praying for a Lottery for the Purpose of repairing the Road which crosses the mountain from Manchester to Chester, entered Last Session and Laid over to the Present. Read and by the House referred to the Lottery Committee. Resolved that M<sup>r</sup> Safford Join the said Committee.

An act incorporating certain Physicians into a Society by the name of the Windham Medical Society. [Accepted] by the General Assembly & Directed to be ingrossed, sent to the Governor & Council for Revision and Concurrence or Proposals of Amendment.<sup>1</sup> Read and Ordered to Lie.

The Petition of Thomas Burrell a Prisoner in the County Goal at Bennington in the County of Bennington Committed for the payment of a fine on Conviction of Horse Stealing, praying a Remission of his fine. Read and Ordered to Lie.

Adjourned untill 2 Oclock P. M.

Met according to adjournment.

[Here occurs a blank page on the record of the Council.]

The Petition of William Howe & Others setting forth that Amos Tuttle of Hinsdale [Vernon] deceased had made his Last Will and Testament which was presented to the Judge of Probate for the District of Marlboro for Probate thereupon whose Decree was that said Will and Testament ought not to be approved from which sentence an appeal was prayed to the next Supreme Court, that the Appeal by the Executors was neglected to be carried up & that the Judge has refused granting any further audit thereon—therefore praying that the Supreme Court might yet nevertheless be empowered to take Cognizance of said appeal. Read and by the House referred to Mess<sup>rs</sup> Williams, Perry & Thompson to Join a Committee from Council, State facts & make Report. Resolved that M<sup>r</sup> Olin Join the said Committee.

The Petition of Abel Aylesworth and Zadoc Hard of Arlington in the County of Bennington praying to be relieved from a Judgment Recovered against their sureties of £310 by reason of the Principals breaking Goal committed on Judg<sup>t</sup> recovered on Recognizance for the appearance of one Israel Burritt. Read and by the House Referred to M<sup>rs</sup> Lee, Stevens, Campbell, Marvin, & E. Robinson, to Join a Committee of Council, State facts & make Report. Resolved that M<sup>r</sup> Brigham Join the above Committee.

The Petition of Thomas Burrell taken up and Resolved that his fine shall not be remitted.

[Adjourned till to morrow morning.]

RUTLAND Oct. the 18 Day A. D. 1794.

[Met pursuant to adjournment.]

Col. Joseph Fay having resigned his Office of Secretary to the Gov. & Council, [his resignation] was accepted & His Excellency the Gov. was

<sup>1</sup> This is the first entry in the Council journal of an order of the House to engross a bill, though Thomas Tolman had been engrossing clerk from Oct. 15 1792.

Pleased to Appoint Truman Squier Esq<sup>r</sup> to the Office of Secretary to the Gov. & Council for the year ensuing—who appeared & was Duly Qualified to that Office.

Adjourned untill 2 O'clock in the afternoon.

Met according to adjournment.

Adjourned untill Monday the 20 Day at 10 O'clock in the forenoon.

RUTLAND Oct. the 20 Day A. D. 1794.

Met according to adjournment, his Excellency Thomas Chittenden Esq<sup>r</sup> Gov, his Honor Jonathan Hunt Esq<sup>r</sup> Lieut<sup>t</sup> Gov, Present & the following Members of the Hon<sup>ble</sup> Council Viz. Thomas Porter, Samuel Safford, John Strong, Ebenezer Walbridge, Luke Knoulton, Ebenezer Marvin, Paul Brigham, Jonas Galusha, Gideon Olin, John White & Cornelius Lynde. Truman Squier Sec<sup>y</sup>. Jonathan Bell Sheriff.

An act Directing the Treasurer to Discharge an execution in behalf of this State against William Evans having passed the House, Read and Concurred.

An act restoring Enoch Bean to his Law having passed the House, Read & Concurred.

An act for repealing the providing Clause of an act entitled an act Appointing Commissioners to ascertain the Boundary Line between the State of Newhampshire & this State passed the 6 Day of November A. D. 1792, having passed the House, Read & Concurred.

An act Directing the Treasurer of this State to pay to the Selectmen of Dummerston in the County of Windham the sum of Twelve pounds seven shillings & four pence having passed the House, Read & Concurred.

An act Directing the Treasurer of this State to Credit the Town of Randolph the sum of Two pounds seven shillings having passed the House, Read & Concurred.

An act ratifying the Division of the Town of Wilmington by & between the Proprietors thereof having passed the House, Read & Concurred.

An act to Discharge Isaac Gage from an Execution in a Certain Case therein mentioned having passed the House, Read & Concurred.

An act in addition to an act entitled an act granting a Tax of Two pence on each acre of Land in the Township of Sunderland in the County of Bennington & one penny on each Acre of Land in the Town of Stratton in the County of Windham having passed the House, Read & Concurred.

An act Directing the Treasurer to pay to Thomas Smith the Legal Bounty for Killing A Grown Wolf having passed the House, Read and Concurred.

Adjourned untill 2 O'clock in the afternoon.

Met according to adjournment.

The Petition of Alexander Plumley, Joseph Carpenter, William Curtis & John Bacon praying that the Line between the Towns of Randolph & Bethel shall be so settled that they shall not be Obligated to pay Taxes in both Towns being Read in the House was referred to Mess<sup>rs</sup> Todd, Town, Sherman, Stephens [E. Stevens,] & Peckham, to Join a Committee from Council. Resolved that the Hon. Gideon Olin Join said Committee.

The Petition of Alexander Plumley praying that the Lines between the Towns of Randolph & Bethel may be made Public, & Stay execution already obtained against him in Defending the said Lines &c.

Read in the House and Referred to the above Committee Last named—  
Resolved that Mr. Olin Join said Committee.

On request of the House to the Governor & Council to Join in Grand committee, Resolved to Join Accordingly and proceeded to the House & Joined Accordingly for the Purpose of Electing a Brigadier General in Room of Gen. Morey Resigned.<sup>1</sup>

An act incorporating Certain Physicians therein named into a Society by the name of the Windham Medical Society having passed the House, Read in Council and Returned to the House with Proposals of amendment.

Adjourned untill 9 O'clock to morrow morning.

RUTLAND Tuesday the 21 Day A. D. 1794.

Met according to adjournment. Present his Excellency the Governor & his Honor the Lieut<sup>nt</sup> Governor & the Hon<sup>ble</sup> Council.

The Petition of a number of Inhabitants of the South & North Heroes, Isle of Mott & Alburgh praying that a new County may be erected including all the Islands West of the Channel & Lying in Lake Champlain North of Colchester point, being Read in the House was Referred to Mess<sup>rs</sup> Wright, Sanderson, Williams, E. Robinson, M. Bradley, Arnold, & Bostwick to Join a Committee from Council. Resolved that [Lieut.] Gov. Hunt Join the said Committee.

An act Directing the Treasurer to pay John Simons [Simonds] Jun. the sum of two pounds five shillings having passed the House, Read & Concurred.

An act to free the Body of Isaiah Parmeter from arrests in civil Causes having passed the House, Read & Concurred.

An act empowering an administrator on the Estate of Eliab Stone Deceased to Deed Land in Certain Cases having [passed] the House, Read & Concurred.

An act Directing the Treasurer of this State to pay to the Selectmen of Milton sixteen pounds nineteen shillings having passed the House, Read & Concurred.

A act granting a Tax of one penny on each acre of Land in the Town of Cabot in the County of Orange for the Purposes therein contained having passed the House, Read & Concurred.

An act granting a Tax of one penny on each acre of Land in the Township of Killington [Sherburne] for the Purposes therein Contained having passed the House, Read & Concurred.

The Petition of Thomas Butterfield in behalf of the Inhabitants of the Town of Swanton praying for a Lottery to raise three hundred pounds for the Purpose of Building a Bridge over the River Missisque in Swanton being Read in the House & Referred to the Lottery Committee, Resolved that the Lottery Committee from Council Join the aforesaid Committee from the House.

The Petition of Eleazer Wheelock praying for a grant of Land adjoining the east part of Rutland &c. being Read in the House & Referred to the Committee appointed on the Petition of Gideon Olin, Samuel Williams & others, Resolved that Judge Knoulton join the above Committee.

The Petition of Gideon Olin, Samuel Williams & Jonathan Parker Jun. praying the Legislature to grant them a Gore of Land Lying and being between Goshen, Hancock, Phylidelphia [parts of Goshen and

<sup>1</sup> See *Apendix C*.



Chittenden,] & Leicester, being Read in the House & Referred to Mess<sup>rs</sup> Coit, I. Allen & W. Chamberlain to Join a Committee from Council, Resolved that Judge Knoulton Join the above Committee.

Adjourned untill 2 Oclock in the afternoon.

Met according to adjournment.

An act Discharging James Steel & James Blodgett from the payment of Two notes of hand therein mentioned having passed the House, Read & Concurred.

An act in addition to an act suspending the Operation of an act Limiting the act Dividing the County of Windsor into half Shires having passed the House, Read and Concurred.

An act granting a Tax of one penny on each acre of land in the Town of Stockbridge in the County of Windsor for the Purpose therein mentioned having passed the House, Read & Concurred.

A Demand from his Excellency Samuel Adams Esq<sup>r</sup> Governor & Commander in Chief in & over the State of Massachusetts, under his hand & the seal of said State, Dated the first Day of January A. D. 1794, to his Excellency Thomas Chittenden Esq<sup>r</sup> to Issue his Warrant against one Nathaniel Welch Jun. Late of Pittsfield in the County of Berkshire & Commonwealth of Massachusetts, now an Inhabitant of the Town of Benson in the County of Rutland, & Deliver him over into the hands of the high Sheriff of the County of said Berkshire as a fugitive from Justice, which was Read & all the Records thereunto annexed; the Question being put whether his Excellency the Governor should Issue his Warrant accordingly & it passad in the negative for the following Reason—Viz. the said Nathaniel being an Inhabitant of this State before the adoption of the Constitution of the United States & that he had not fled from any Court of Justice in the State of Massachusetts since said Constitution of the United States was adopted.<sup>1</sup>

Adjourned untill 9 Oclock to morrow morning.

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RUTLAND Oct. the 22 Day A. D. 1794.

Met according to adjournment.

An act empowering the Town of Brattleborough in the County of Windham as Devisces in the Last Will & Testament of Amos Tute Late of Hinsdale [Vernon] in said County to enter and prosecute Certain appeal therein mentioned, having passed the House, Read and Concurred.

An act giving an exclusive Right to Periz Gallop [Perez Gallup] to Lock the Water Queche falls [on Connecticut river] &c. having passed the House was Read and sent back to the House with proposals of Amendments.

Adjourned untill 2 Oclock in the afternoon.

Met according to adjournment.

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THURSDAY the 23 Day [of Oct.] A. D. 1794.<sup>2</sup>

Met according to adjourn[ment.]

A Bill brought in for Defining the Powers of the Supreme & County Courts within this State having been Read in the House & Referred to J.

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<sup>1</sup> See *Appendix G*.

<sup>2</sup> No record of proceedings and adjournment on the afternoon of the preceding day is entered in the journal of the Council; nor any minute of proceedings in Grand Committee on the 21st and 23d, on the rights of

Wright, Bridgman, Lee, Gallop, J. Davis, Harrison, and Woodbridge to Join a Committee from Council, Resolved that Judge Marvin and Esq<sup>r</sup> Galusha Join the above Committee.

Adjourned untill 2 O'clock P. M.

Met according to adjournment.

An act Limiting the Powers of the Supreme and County Courts in granting new Trials, having passed the House, Read & Ordered to Lie.

An act Directing the Treasurer of this State to Credit the Town of Putney the sum of Two pounds & nine pence having passed the House, Read and Concurred.

The Petition of Eliakim Spooner pray[ing] for a Compensation for the Loss of a Certain fifty acre Lot of Land Purchased under this State the Title not being Valid having been Read in the House was Referred to Mess<sup>rs</sup> Thompson, Harrington, & Harvey, to Join a Committee from Council, Resolved that Judge White Join the aforesaid Committee.

FRIDAY October the 24 Day Anno Domini 1794.

Met according to adjournment.

An act for the Punishment of Theft having passed the House, Read and Ordered to Lie.

An act in alteration & amendment of an act for the Prevention & Punishment of Frauds & Perjuries having passed the House, Read & ordered to Lie untill the afternoon.

The Resolution of the third Congress at their first Session begun & held at the City of Phylidelphia by Two thirds of its members proposing to the Legislatures of the several States the following Article of Amendment to the Constitution of the United States of America, Viz.

"The Judicial Power of the United States shall not be Construed to extend to any suit in Law or Equity commenced or prosecuted against one of the United States by Citizens of another State or by Citizens or subjects of any foreign State."—Read and Ordered to Lie.<sup>1</sup>

Adjourned untill 2 O'clock in the afternoon.

Met according to adjournment.

An act granting a Tax of one penny on each acre of Land in Walden Gore for the purposes therein mentioned having [passed] the House, Read and Concurred.

An act granting a new Trial to John Hills having passed the House, Read and Concurred.

The act Limiting the Powers of the Supreme & County Courts in granting new Trials was taken up agreeable to the Order of the Day and Ordered to further Lie untill to morrow forenoon.

Adjourned untill to morrow morning 9 O'clock.

land granted by Great Britain to the Society for the Propagation of the Gospel in foreign parts—the decision being that the State should appropriate these lands for the support of schools. Oct. 29th the bill for this purpose was passed by the House, yeas 100, nays 15. Another bill devoted the church glebes to religious purposes, and both bills became acts.—See *The Documentary History of the Protestant Episcopal Church in Vermont* for a history of this matter.

<sup>1</sup> This amendment was ratified by Vermont.—See *Appendix B*.

SATURDAY Oct. the 25 Day A. D. 1794.

Met according to adjournment.

The act Limiting the Powers of the Supreme & County Courts in granting new Trials was taken up agreeable to the Order of the Day. Read and Concurred.

The Resolution of the House appointing a Committee of five to Join a Committee from Council to prepare and Report a Bill to make adequate Compensation to this State's Quota of 80,000 Militia, Ordered by Congress to be held in readiness upon any emergency, in case they are called into actual service—Members Chosen Mess<sup>rs</sup> Emmons, J. Wright, W<sup>m</sup> Chamberlain, J. Robinson, & Chittenden. Read and Resolved that Judge Lynde Join said Committee.

The act in alteration and amendment of an act entitled an act for the Prevention and punishment of Frauds and perjuries was taken up agreeable to the Order of the Day, Read and nonconcurred because the Council Consider the present existing Law in such Cases made and provided is well guarded and that innovations in the System of Jurisprudence without urgent reasons for it is Dangerous to the Liberties and Interest of the Citizens of this State.

The act for the Punishment of Theft was taken up agreeable to the Order of the Day, Read and non concurred for the same Reasons as above.

Adjourned untill 2 Oclock in the afternoon.

Met according to adjournment.

Adjourned untill 9 Oclock Monday Morning.

MONDAY Oct. 27 Day A. D. 1794.

Met according to adjournment.

An act granting a Tax of Two pence Per acre on the Lands in the Town of Victory in the County of Orange having passed the House, Read and Concurred.

An act Discharging Jonathan Greene from the paying of a Bill of Cost having passed the House, Read and Concurred.

An act granting to Samuel Mattocks Esq<sup>r</sup> Treasurer sixty nine pounds fifteen shillings & Two pence having passed the House, Read and Concurred.

An act authorizing Simeon Brown Administrator on the Estate of Oliver Blie Late of Springfield Deceased to sell Lands therein mentioned having passed the House, Read and Concurred.

An act Directing the Treasurer of this State to pay to Joshua Bayley the sum of six pounds fifteen shillings having passed the House, Read and Concurred.

An act granting a Land Tax on the Town of Barre *alias* Wildersburgh having passed the House, Read and Concurred.

An act Directing the Treasurer to pay to Tarant Putnam the sum of four pounds Twelve shillings & ninepence having passed the House, Read and Concurred.

An act regulating the Publishing of Advertisements within this State and repealing an act for that Purpose passed Oct. the 31 Day A. D. 1793 having [passed] the House, Read & Concurred.

An act establishing and Constituting the Eastardly part of Burlington the Southardly part of Jericho the Two Societies of Williston a part of Newhuntington & part of Buels & Averys Gore into three Distinct Towns having passed the House, Read & Concurred.

An act making a Grant of Lands to Samuel Knight Esq<sup>r</sup> having [passed] the House, Read & Returned with an amendment Proposed and as follows to wit, provided nevertheless that this shall not enable the said Samuel Knight Esq<sup>r</sup> to Lay Claim to a Certain Gore or Tract of Land Lying & being situated between Goshen, Hancock, Philidelphia, & Leicester.

An act to release from Confinement the Body of Samuel Beach for the Space of one year and to secure his Body from arrests on Civil process During that Term having passed the House, Read and ordered to be sent Back with the following proposed amendments Viz. for any Debt or Contract entered into by the said Samuel before the passing of this act; 2th [2d] provided that the said Sheriff shall take the Bonds mentioned in this act for the Benefit of the said Samuel's Creditors & they shall be assignable to them in the same manner as bonds for the Liberties of the Goal Yard by Law are Directed to be taken.

An act appointing Commissioners for the Purposes therein mentioned having passed the House, Read and ordered to be sent back with the following amendments proposed Viz. the 1 after having advertised in the Vermont Journal three Weeks successively at Least six Weeks before the Day of Sale; 2<sup>d</sup> an equal Proportion.<sup>1</sup>

An act in addition to an act entitled an act Regulating proprietors meetings passed March the ninth Day A. D. 1787 having passed the House, Read and Ordered to Lie till to morrow morning.

A Bill for Limiting the time for bringing writs of Error proposed by the Council, Read and Ordered to be sent to the General Assembly to be passed into a Law.

Adjourned untill to morrow morning 9 Oclock.

TUESDAY October the 28 Day A. D. 1794.

Met according to adjournment.

An act for raising a Company of Cavalry in the second Regiment in the eighth Brigade & first division of the militia of this State having passed the House, Read and Concurred.

The act in addition to an act entitled an act regulating proprietors meetings &c. taken up agreeable to the Order of the Day and Ordered to lie untill the afternoon.

A Bill brought in from the House in alteration of an act regulating Term fees being referred to a Committee to Join a Committee from Council being Read Resolved that Judge Olin Join the said Committee.

Adjourned untill 2 Oclock in the afternoon.

Met according to adjournment.

An act Dividing this State into Districts for electing Representatives to the Congress of the United States and Directing the Mode of their Election having passed the House—Read and Ordered to be sent back with the following amendments: the 1 the Words or a Representative from some adjacent town next after the word "Town" in the eighth Line from the Bottom in the second Page; the 2 the Word Publicly to be inserted next after the Word "there" in the second Line from the Bottom in the third Page; the 3 the Words four highest to be erased in the fifth Line from the Top of the second Page in the second Sheet.

<sup>1</sup> In the *Assembly Journal* the places in the bill of these amendments are specifically stated. The Secretary of the Council seems to have deemed it fit to state the substance only.

An act appointing Josias L. Arnold one of a Committee to superintend the expenditure of Tax in Burke in the Place of Jonathan Arnold Esq<sup>r</sup> Deceased<sup>1</sup> having passed the House, Read and Concurred.

An act constituting and establishing the Persons therein named as Company of Artillery &c. having passed the House, Read & Concurred.

An act granting a Tax of one penny on each acre of Land in the town of Berlin &c. having passed the House, Read & Concurred.

An act granting a Tax of one penny on each acre on the Town of Johnson & Twopence per acre on Coit's Gore &c. having passed the House, Read and Concurred.

An act in addition to an act entitled an act Directing and regulating the Levying and serving of executions having passed the House, Read and Concurred.

An act appointing a Collector of a Land Tax in Johnson having passed the House, Read and Concurred.

An act making it the Duty of the several Judges of the Supreme Court to keep Regular Extracts &c. [of the actions, evidence, and determinations in each cause,] having passed the House, Read and Resolved that the General Assembly be requested to Lay the act over untill the next session of the Legislature.

An act in addition [to] and alteration of an act entitled an act Defining the Powers of Justices of the Peace within this State having passed the House, Ordered to Lie untill to morrow morning.

Adjourned untill to Morrow Morning at 8 O'clock.

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WEDNESDAY Oct. the 29 Day A. D. 1794.

Met according to adjournment.

An act annexing the Town of Starksborough in the County of Chittenden to the County of Addison having passed the House, Read and Concurred.

An act in addition to an act entitled an act regulating Proprietors meetings &c. having passed the House, Read agreeable to the Order of the Day and Ordered to be sent back to the General Assembly with Proposals of Amendment.

An act empowering and Directing the Supreme Court to amend a Certain writ having passed the House, Read and Concurred.

An act ratifying the Doings of a meeting of the Proprietors of Navy [Charleston,] having passed the House, Read and Concurred.

A Bill brought in from [to] the Council to alter the times of the sitting of the County Court in the County of Chittenden—Read and Ordered to be sent to the General Assembly to be passed into a Law.

The act in addition [to] and alteration of an act entitled an act Defining the Powers of Justices of the Peace &c. was taken up agreeable to the Order of the Day, Read and Ordered to be sent to the General Assembly with Proposals of amendment.

A Bill brought [in] by his Excellency establishing the Town Officers in the Towns of Burlington, Williston, Newhuntington and Jericho—Read and Ordered to be sent to the General Assembly to be passed into a Law of this State.

Samuel Mattocks Esq<sup>r</sup> as Principal & Nathaniel Chipman & John Strong Esq<sup>r</sup> as sureties acknowledge themselves jointly and severally bound unto the Secretary of this State in the penal sum of ten thousand pounds Lawful money which payment well and Truly to be made they

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<sup>1</sup>See *Appendix I.*

bound themselves, their Heirs, Executors and administrators firmly by these Presents this 29 Day of October A. D. 1794—Conditioned as follows, that if the said Samuel Mattocks Esq<sup>r</sup> shall faithfully execute the Office of a Treasurer within & for this State for the year ensuing so that neither the Public or any Individual suffers any Damage thereby, then the above bond of Recognizance to be Void, otherwise to remain in full force and virtue.

Attest, TRUMAN SQUIER Sec<sup>y</sup>.

A message from the House requesting the Governor and Council to Join them in Grand Committee at the opening of the House in the afternoon to Choose a Councillor in the Room of Thomas Porter Esq<sup>r</sup> resigned. Read & Resolved to Join accordingly.<sup>1</sup>

Adjourned until 2 O'clock in the afternoon.

Met according to adjournment.

An act in addition to an act entitled an act granting leave to Anthony Haswell to raise the sum of Two Hundred pounds by Lottery &c. having passed the House, Read and Concurred.

An act in addition to an act entitled an act for the settlement of Testate and intestate Estates having passed the House, Read and Concurred.

An act in addition to & Alteration of an act regulating and Governing the Militia of this State having [passed] the House, Read and Ordered to be sent to the General Assembly with Proposals of amendment.

The Bill sent to the General Assembly for altering the times of the County Court in the County of Chittenden returned with Proposals of amendment. Read and Concurred.

The Hon. Elijah Robinson Esq<sup>r</sup> was requested to attend in Council & take his Oath of Office, who accordingly Did.<sup>2</sup>

An act to Continue in force an act to suspend prosecutions against Edmond Willis having passed the House, Read and Concurred.

The act in addition [to] and alteration of an act entitled an act Defining the Powers of Justices of the Peace being Returned from the House with the Proposals of amendment nonconcurred, Resolved that the same be sent back with a request to the General Assembly to Lay the same over until the next Session of the Legislature.

An act granting a Tax of Twopence per Acre on No. 4 in Kelly's Grants having passed the House, Read and Concurred.

An act Directing the Judges of Windham County Court to Continue a Certain action &c. having passed the House, Read and Concurred.

An act in addition to an act relative to Quakers &c. having passed the House, Read and Concurred.

An act appointing a Committee to alter the Lines of a number of

<sup>1</sup> See *Appendix C*.

<sup>2</sup> From the printed *Assembly Journal*:

IN GRAND COMMITTEE, Oct. 29, 1794.

Agreeable to the order of the day, his Excellency the Governor, and Council, and house of representatives, joined in Grand Committee, to elect a Councillor, in the place of the honorable Thomas Porter, Esquire, resigned, His Excellency in the chair. Ros. Hopkins Clerk. The ballots being taken—Col. Elijah Robinson was declared duly elected.

On motion, by Mr. Arnold, the ballots being taken for an auditor of accounts against the state Elisha Clark Esq. was declared duly elected.

Towns therein specified &c. having passed the House, Read and Concurred.<sup>1</sup>

An act appropriating the Propagation Lands &c. having passed the House, Read and Concurred.<sup>2</sup>

An act making Compensation for the Detached Militia of this State &c. having passed the House, Read and Concurred.<sup>3</sup>

An act in addition to and in alteration of an act granting a Tax of one penny on each acre of Land in the Towns of Morristown, Sterling, & Worcester &c. having passed the House, Read and Concurred.

An act granting a new Trial to sundry Inhabitants of Alburgh &c. having passed the House, Read and Concurred.

Adjourned untill 8 O'clock to Morrow Morning.<sup>4</sup>

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THURSDAY October the 30 Day A. D. 1794.

Met according to adjournment.

An act for the more Speedy settlement of Controversies having passed the House, Read and Concurred.

An act to enable Towns to make Laws to prevent Sheep from running at Large &c. having passed the House, Read and Concurred.

A Resolution of the House appointing a Committee of three to make appropriations for the year ensuing and bring in a Bill for that purpose—Members Chosen Mess<sup>rs</sup> J. Robinson, Williams, & Bridgham [Bridgeman.] Resolved that Judge Knoulton Join the aforesaid Committee.

An act appointing a Collector in Colchester, Burlington, Essex, and Shelburn &c. having passed House, Read and Ordered to be sent to the General Assembly with an amendment.

An act to rectify a mistake in the Charter of Midway [Medway, now Mendon,] &c. having passed the House, Read and Concurred.

An act granting to Eliakim Spooner the sum of forty Two pounds nine shillings & three pence &c. having passed the House, Read and Concurred.

An act in addition to an act for mending and Clearing Highways &c. having passed the House, Read and Concurred.

An act in addition to an act entitled an Act Defining the Powers of the Supreme & County Courts having [passed] the House, Read and Concurred.

The act in addition [to] and alteration of an act entitled an act Defining the Powers of Justices of the Peace &c. being with the non concurrence of the House &c. [in the amendments of the Council] Returned, Read and Concurred.

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<sup>1</sup> The towns were "Georgia, St. Albans, Swanton, Highgate, Sheldon *alias* Hungerford, Fairfield, Bakersfield *alias* Smithfield, Fairfield and Bakersfield, Fairfax, Fletcher, Cambridge, and Coit's Gore," [Water-ville.]

<sup>2</sup> See note 2, *ante*, p. 74.

<sup>3</sup> See *Appendix F*.

<sup>4</sup> From the printed *Assembly Journal*, Oct. 29 1794.

Resolved, that the salary of his Excellency Thomas Chittenden, Esquire, Governor of the state of Vermont, be the sum of one hundred and fifty pounds, lawful money, for the year ensuing.

Resolved, Also, That the salary of Samuel Mattocks, Esquire, Treasurer of the state of Vermont, be the sum of one hundred and twenty pounds, lawful money, for the year ensuing.

A Bill brought in regulating the mode of raising money for Building School Houses and supporting Schools in the several Districts &c. [was] Read and Ordered to be sent to the General Assembly to be passed into a Law.

An act Levying a Tax in Windsor County having passed the House, Read & Concurred.

An act for the purpose of Obliging the Proprietors of a Mill Dam &c. [on the mouth of Wells pond, to draw off the water,] having passed the House, Read and Concurred.

An act Directing the uses of the Rights of Land in this State heretofore granted by the British Government as Glebes for the Benefits &c. having passed the House, Read and Concurred.<sup>1</sup>

An act assessing a Tax of Twopence on the pound on the List of A. D. 1794 having passed the House, Read and Concurred.

An act making provision for the payment of costs in Certain Cases therein mentioned &c. having passed the House, Read and Concurred.

An act empowering Adam Dickey Collector of the halfpenny Tax in the Town of Topsham &c. having passed the House, Read and Concurred.

An act appointing Commissioners to settle with the Treasurer &c. having [passed] the House [was read & concurred,] an amendment proposed and Ordered to be sent to the House.

An act in addition to and explanation of an act for the Purpose of Raising by Lottery five hundred Dollars &c. having passed the House, Read and Concurred.<sup>2</sup>

An act to suspend the Prosecution of an action against Abel Spencer and James Claghorn having passed the House, Read and Concurred.

An act in addition to the Isle La Mott Land Tax having passed the House, Read and Concurred.

An act for Committing Prisoners by the Authority of the United States in the Goal in the City of Vergennes having passed the House, Read and Concurred.

An act appointing a Collector of Land Taxes in the Town of Jericho having passed the House, Read and Concurred.

An act granting a Tax of one penny on each acre of Land in the Township of Stowe in Chittenden County having passed the House, Read & Concurred.

An act for the Purpose of Granting a new Trial to Samuel Beach against Henry Wiswell &c. having passed the House, Read and Concurred.

Adjourned untill 2 Oclock in the afternoon.

Met according to adjournment.

An act in addition to an act entitled an act for the Incorporating a part of the Towns of Newhaven, Panton &c. having passed the House, Read and Concurred.

An act granting a Tax of Two pence on each acre of Land in the Township in [of] Bakersfield having passed the House, Read and Concurred.

An act to suspend the administration of Israel Stockings &c. having passed the House, Read and Concurred.

An act for making a new Town out of Putney and Athens by the name of Brookline having passed the House, Read and Concurred.

A Bill brought into the Council for the [purpose] of enabling Certain

<sup>1</sup> See note 2, *ante*, p. 74.

<sup>2</sup> For a bridge over Lamoille river in Fairfax.



time of his death. He was one of the first members of the Congregational church in the east parish, and was its first deacon. He and Rev. Samuel Williams, LL. D., were the establishers of the *Rutland Herald*, the first number of which was issued December 8th, 1794. To him is this village indebted for its common, the funds for its purchase being mainly contributed by him and he being the first grantee named in the deeds ("to Samuel Williams and other inhabitants of said town of Rutland.") His remains were brought to Rutland "and buried with tokens of deep respect as an honored citizen." A beautiful marble tablet was erected over his remains, in what is known as the north burial ground in the east parish of Rutland, on which is the following inscription:

THE  
HONORABLE SAMUEL WILLIAMS,  
died the 28th day of February  
A. D., 1800,  
in the 44th year of his age.  
He was a Pillar of Church and of State  
and lived and died the Father of this  
Village and the Friend of Mankind.  
*Over the remains of his mortal part,  
as a testimony of his virtues,  
this marble placed  
by his Masonic Brethren,  
June 24th, A. L. 5800.*

## RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY AT WINDSOR  
OCT. 1795.

STATE OF VERMONT, WINDSOR Oct. the 8 Day A. D. 1795.

At a Meeting of the Governor & Council Present His Excellency Thomas Chittenden Esquire Gov<sup>r</sup>. His Honor Jonathan Hunt Esquire Lieut<sup>g</sup> Gov<sup>r</sup>. And the following Members of the Hon<sup>ble</sup> Council Viz. Samuel Safford, John Strong, Ebenezer Walbridge, Luke Knoulton, Ebenezer Marvin, Paul Brigham, Jonas Galusla, Gideon Olin, John White, Cornelius Lynde, Elijah Robinson, & Samuel Williams.<sup>1</sup> Truman Squier Sec<sup>ry</sup>. William Sweetser Sheriff.

Resolved that it be recommended to the General Assembly that after appointing a Committee to Count the Votes of the Freemen that they proceed to appoint a Committee Consisting of One Member from each County whose Duty it shall be to Receive the Votes from the Representatives of their Respective Counties and Deliver them over in their Order as called for.

A Bill from the House was received appointing a Committee consisting of Two Members from each County to Join a Committee of Council for the purpose of receiving, Sorting and Counting the Votes of the Freemen [for Governor, Lieutenant Governor, Treasurer, and Councillors] for the year ensuing. Read & Resolved that Judges Safford, Olin, Strong, White, Knoulton, Brigham, & Lynde be a Committee from Council to Join said Committee.

The before mentioned Bill [sent by the Council to the House.] returned from the House Nonconcurrent.

<sup>1</sup>This is not a list of Councillors who attended at the opening of the Council, as Mr. Williams was not then Councillor; but, with the exception of Samuel Mattocks as Treasurer, of the State officers and Councillors who were in the afternoon of that day declared to be elected for the year then ensuing.

From the *Vermont Journal* of Oct. 12 1795:

On Wednesday last, his Excellency the Governor, escorted by Captain Stone's company of Cavalry, arrived in this town—And on Thursday following, the Governor, Council, and House of Representatives, formed a procession, and, attended by Captain Leonard's company of Light Infantry, proceeded to the Court-House, where a sermon was delivered by the Rev. Asa Burton, from *Psalms* viii, 5: "*Thou hast made him a little lower than the Angels.*"—They then proceeded to count the votes for the election of Governor, Councillors, &c. \* \* \* The whole was concluded by a discharge of *fifteen* cannon, by Captain Hodgeman's company of Artillery, and firings with small arms. Such was the order and regularity, during the transactions of the day, as reflects the highest honour on the Officers and Soldiers, and citizens in general.

Adjourned Untill 5 Oclock P. M.

The Council Met according to Adjournment & Adjourned Untill 9 Oclock Tomorrow Morning.<sup>1</sup>

WINDSOR Friday Oct the 9 Day A. D. 1795.\*

The Gov'r & Council Met according to Adjournment.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to Adjournment.

A Bill from the House appointing a Committee Consisting of Two Members from each County to Join such a Committee from Council as they shall please to appoint to make an Arrangement of the Necessary Business During the present Session. Resolved that Judge Brigham, Galusha, Strong, & Knoulton Join Said Committee.

A Bill from the House appointing a Committee of One Member from each County to Join such Committee as the Council shall appoint to take under Consideration all Petitions praying for Land Taxes, State facts and make Report. Members Chosen Mess<sup>rs</sup> Todd, Bigelow, Lathrop, Hunter, Linsley, Morey & Cole. Resolved that Judge Lynde Join the aforesaid Committee.

A Letter from Gen<sup>l</sup> Arad Hunt to his Excellency Resigning his Office as Brigadier General of the first Division of the Militia of this State was Read and Ordered to Lie for the present.

A Bill from the House requesting His Excellency the Governor to appoint the first Thursday of December next ensuing to be Observed as a Public Day of Thanksgiving & Praise throughout this State. Read & Concurred.

A Petition from Col. Matthew Lyon, Stating that he purchased a Certain Farm in the Town of Strafford in the County of Orange of one Timothy Bartholomew a Late Commissioner of Confiscation in this State, taken from one Cap<sup>t</sup> James Pennock, & that he paid One hundred & fifty pounds for said Farm & that he the said Col. Matthew Lyon has Lost said Farm by another Claimant & by Due Course at Law & has paid out Large sums in Cost in Defending said Land, & the said Col. Matthew Lyon prays that this State wou<sup>d</sup> be pleased to pay him the Damages he has sustained in the premises. Read & by the House Referred to Messrs. Denison, W. C. Harrington, Thomas, Arnold, & Shumway to Join such Committee as the Council shall Please to appoint. Resolved that Gen<sup>l</sup> Safford & Col. Robinson Join said Committee.

Adjourned Untill 9 Oclock To Morrow Morning.

[SATURDAY, Oct. 10, 1795.]

Met according to Adjournment.

A Petition from a number of the Inhabitants of the Towns of Hancock, Kingston [Granville,] and Rochester praying for a Land Tax to Complete & finish the Road formerly Laid through said Hancock, Goshen, & part of Middlebury, Being Read in the House & Referred to the Land

<sup>1</sup>The Report of the Grand Committee of the election of State officers and Council is omitted in the *Council Journal*.

\*From the printed *Assembly Journal*, opening of the sitting of Oct. 9:

Mr. [Martin] Chittenden was requested to wait on his excellency the governor and council, and inform them that the House is now assembled and ready to attend on prayers.

Tax Committee, Resolved that the Land Tax Committee from the Council Join said Committee.

A Petition of a number of the Proprietors and Landowners of the Town of Westfield in the County of Chittenden praying for a Land Tax of one penny on each acre of Land in said Town to be Laid for the purpose of Making and Repairing Highways and Building Bridges in said Town, Read & by the House Referred to the Land Tax Committee, Resolved that the Land Tax Committee from the Council Join said Committee.

The Petition of Benjamin Wait and Others praying for a Land Tax of one penny on each Acre of Land in the Town of Waitsfield in the County of Chittenden Public Lands excepted for the Purpose of Repairing Roads and Building Bridges in said Town, Read and by the House Referred to the Land Tax Committee &c. Resolved that the Land Tax Committee from the Council Join said Committee.

The Petition of William Williams in behalf of the Inhabitants of Canaan & Norfolk<sup>1</sup> praying for a Tax of Two pence on each acre of Land in said Towns public Lands excepted for the Purpose of Building Bridges and making and Repairing Highways in said Towns, Read and by the House Referred to the Land Tax Committee &c. Resolved that the Land Tax Committee from the Council Join said Committee.

Adjourned Untill Monday next at 10 Oclock A. M.

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MONDAY Oct. the 12 Day A. D. 1795.

Met According to Adjournment.

The Resolution of the House that the sixth Article in the Arrangement of Business, to wit that some provision be made for Rendering more passable the Road from Massachusetts Line to Newbury the West side of Connecticutt River be Referred to a Committee Consisting of Two Members from each County [on the eastern side of the mountain]—Members Chosen Mess<sup>rs</sup> Spooner, Whitney, Perkins, Brush, Johnson, & Barron. Read & Resolved that [Lieut.] Gov<sup>r</sup> Hunt & Gen<sup>l</sup> Brigham Join said Committee.

The Resolution of the House on the Eighth Article of the Arrangement of the Business Viz. that enquiry be made into the Benefits resulting from the Office of Attorney General and whether the act constituting said [office] be or be not expedient, Referred by the House to a Committee Consisting of one Member from each County to Join a Committee of Council—Members Chosen Mess<sup>rs</sup> Seldin, Bigelow, Lyon, Gallup, Foot, W. Chamberlain, & W. C. Harrington. Resolved that Judge Olin Join said Committee.

A Bill brought in from the House empowering the Supreme Court to take the Forfeitures of Lands heretofore granted within this State & the mode of proceeding thereon with the Resolution of the House appointing a Committee [thereon] Consisting of one member from each County to Join a Committee of Council to take said Bill under Consideration—Members Chosen Mess<sup>rs</sup> P. Wright, Shafter, Whelpley, Gallup, Pond, Sias, & Sheldon. Resolved that Judge Olin & Judge Williams Join said Committee.

The Petition of a Number of the Inhabitants of the Southwest part of Tinmouth, North West part of Danby, Northeast part of Pawlett and Southeast part of Wells—praying to be made into a Town and Incorpor-

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<sup>1</sup> Norfolk was annexed to Canaan in 1801.

rated, being Read and by the House Referred to Mes<sup>rs</sup> Wait, Johnson & Cutler to Join a Committee from Council.<sup>1</sup>

His Excellency the Governor was Pleased to Reappoint Truman Squier Esq<sup>r</sup> Secretary to the Council for the year ensuing, and [who was] by him Qualified to that Office.

Adjourned Untill 2 Oclock in the afternoon.

Met according to adjournment.

The Petition of Aaron Hutchinson<sup>2</sup> and others setting forth that they are appointed and Incorporated by an act of the Legislature of the State of Newhampshire for the Purpose of Locking White River Falls so called in Connecticutt River against Lebanon and Building Bridges over said River, praying for a similar act of this State, being Read and by the House Referred to a Committee—Members Chosen Messrs. Arnold, Chittenden, Davis, Stanton, & Porter to Join a Committee of Council—Resolved that Gen<sup>l</sup> Brigham Join said Committee.

The Petition of William Hazletine of Rockingham setting forth his Misfortunes in being wounded in the Bennington Battle praying the assistance of the Legislature to Help him to a Pension,—Read and by the House Referred to Messrs. Todd, Lyon, Spafford, Cutler & Lee to Join a Committee from Council, Resolved that Judge Robinson Join said Committee.

The Petition of Jonathan Haynes of Middletown setting forth that he was wounded in the Bennington Battle, praying the Legislature to assist him in Obtaining a Pension from Congress &c. being Read & by the House Referred to Messrs. Lyon, Todd, Spafford, Cutler & Lee to Join a Committee from Council, Resolved that Judge Robinson Join said Committee.

The Petition of Sherburn Hale of Rockingham setting forth the Necessity of having a Road in the South east Corner of Rockingham, praying for the Exclusive Right of Making said Road and Receiving Toll from Passingers in Like manner as Ferryemen have for ferrying across Connecticutt River, Read and by the House Referred to Messrs. Spooner, Hatch, & E. Sheldon to Join a Committee of Council, Resolved that Judge Knoulton Join said Committee.<sup>3</sup>

The Petition of Pliny Pomeroy of Westminster setting forth his Misfortunes in the service of the United States in the Last War in being Wounded and having failed in Obtaining a Pension from the United States altho Deserving, praying the Assistance of the Legislature in that respect, Read and by the House Referred to Messrs. Lyon, Todd, Spafford, Cutler & Lee to Join a Committee of Council, Resolved that Judge Robinson Join said Committee.

Adjourned Untill 9 Oclock to Morrow A. M.

<sup>1</sup> Here the record as to these petitions ends, the lines following indicating that there was an omission.

<sup>2</sup> Hutchins in the *Assembly Journal*.

<sup>3</sup> This seems to have been the first suggestion of turnpike companies in Vermont, many of which were subsequently granted in place of the former practice of building roads and bridges by money derived from lotteries.

TUESDAY Oct. the 13 Day A. D. 1795.

Met according to Adjournment.

The Petition of Timothy Mitchell of Pomfret in the County of Windsor praying to have the exclusive Right of running a Stage from Windsor to Burlington for a Term of years, Read & by the House referred to Messrs. E. Stephens, [Enos Stevens,] Hatch & Davis, to Join a Committee of Council &c. Resolved that Judge Williams be appointed to Join said Committee.<sup>1</sup>

The Petition of Israel Converse & others of Randolph praying for the exclusive privilege of Running a Stage from Windsor to Benjamin Wrights on White River in Hartford, thence on the Main Road to Royalton thence through Randolph Brookfield & Williams Town to Col. Davis' on Union [Onion] River to Burlington Bay, Read and by the House referred to Messrs. E. Stephens, Hatch & Davis to Join a Committee of Council &c. Resolved that Judge Williams be appointed to Join said Committee.

The Petition of Samuel Allen of Tinmouth Administrator on all the Estate of Asahel Leet Late of Tinmouth Deceased praying for an act empowering him to sell a certain Lot of Land belonging to said Estate Lying in said Tinmouth, Read and by the House referred to Messrs. Train, Bush & Allas [Elisha Allis,] to Join a Committee of Council, Resolved that Judge Robinson Join said Committee.

The Petition of Benjamin Marvin of Alburch in the County of Chittenden setting forth that he was wounded in the Last War in the service of the United States, praying the assistance of the Legislature to Congress that he may be put upon the Pension List with Others in Like Cases, Read and by the House Referred to the Committee to whom was Committed the Petition of Plinny Pomeroy, Resolved that Judge Robinson be Appointed to Join said Committee.

The Petition of Timothy Church of Brattleborough in the County of Windham setting forth that he is sued on his note to this State for Goaler fees &c. amounting to Twenty pounds ten shillings he the said Timothy being Committed on account of his adhering to the Government of the State of Newyork, and while so Imprisoned his Cattle was taken and sold at Public Auction by this State and that he said Timothy has had no Compensation from this State for the same, therefore prays that he may not be any further Distressed by the aforesaid Action but that the Legislature wou'd be pleased to grant him releif by ordering said action to be withdrawn without any Costs to be Taxed against him, Read and by the House Referred to Messrs. Heald, Lathrop, & Ormsby to Join a Committee of Council. Resolved that Judge Strong be appointed to Join said Committee.

The Petition of Alexander Frazer of the Province of Canada setting forth that Administration has been granted on his Late Brother James Frazer' estate Lying in Pawlet in the County of Rutland by Judge Ward to one Israel Stockings who represented said Estate Insolvent and Commissioners were appointed to examine the claims against said Estate all unknown to him the said Alexander, and that the said Israel

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<sup>1</sup>This and the next petition originated the great mail stage route which was made very famous forty years later by Mahlon Cottrill of Montpelier, and over most of which the Vermont Central Railroad was constructed. Col. Jacob Davis, of the committee, then kept a hotel in Montpelier, and his son Thomas built and kept the old Pavilion, over which Mr. Cottrill afterward presided.

Stockings & one Jeremiah Bemis exhibited Large Demands against said Estate amounting in the whole to £427 10 2 which said Demands the said Alexander States are unjust and prays the Legislature to Make an act revoking said Letters of Administration and Directing said Judge to grant New Letters of Administration and an Opportunity of Contesting said Demands, Read and by the House Referred to Messrs. Thompson, Burnham, Heald and Shumway & P. Wright to Join a Committee from Council &c. Resolved that Judge White be appointed to Join said Committee.

The Resolution of the House Appointing a Committee of five to Join a Committee of Council for the purpose of Reporting a Bill to Have Pork & Beef inspected, Resolved that Judge Knoulton be appointed to Join said Committee.

The Petition of Samuel Ball of Marlboro Stating that he has Lost his Health in the Service of the United States, and prays that the Legislature would assist him in Obtaining a Pension from the United States, Read and by the House Referred to the Committee appointed on the Petition of Plinny Pomeroy to Join a Committee of Council. Resolved that Judge Robinson Join said Committee.

Adjourned until 2 O'clock in the afternoon.

Met according to Adjournment.

The Petition of a number of the Inhabitants from the Eastardly part of Londonderry praying to be set off as a Town & Incorporated by the name of Windham, Read and by the House Referred to Messrs. Selden, Hazeltine, Train, Heald, Furgason, Elderkin, & O. Smith,<sup>1</sup> to Join a Committee from Council &c. Resolved that Judge Knoulton Join said Committee.

The Petition of John Powel of Strafford & Nehemiah Lovel [Love-well] of Newbury praying to be Restored to all they have Lost by means of Drawing Orders on Col. Bedel who sent them a flag of Truce to Canada while there Detained as Prisoners, being Read and by the House Referred to Messrs. Davis, Wait & Morey to Join a Committee from Council. Resolved that Judge Safford be appointed to Join said Committee.<sup>2</sup>

<sup>1</sup> Orange Smith of Highgate, printed *Orange Train* in the *Assembly Journal*. *Orange Train* is correctly entered as of *Tinmouth*.

<sup>2</sup> The report of the Committee recites that Powell and Lovewell [both of whom were captains in the service of Vermont subsequent to 1777,] were sent in 1777, by Col. Timothy Bedel of a continental regiment, as a flag of truce to St. Johns; but the flag was disregarded, and the men were sent under guard to Quebec, where they were detained ten or twelve months as prisoners. Having spent their money, they suffered for the necessaries of life, and to obtain relief for themselves and other prisoners of war, they drew on Col. Bedel for fifty dollars. These bills were not protested, though Bedel did not honor them, and in 1793, Bedel being dead, a suit was entered against Powell and Lovewell, and in June 1795 judgment was rendered against them for forty pounds, which they were compelled to pay. The committee found these facts, but reported that the petition ought not to be granted by Vermont, on the ground that the matter belonged to the United States.—See printed *Assembly Journal* of 1795, p. 83.

The Petition of the Inhabitants of Marlborough praying for a Grant of a small Gore of Land Containing about eight hundred acres of Land Lying between said Marlborough and Newfane in Lieu of a Right of Land granted in other Towns for the propagation of the Gospel in foreign parts & appropriated by this State for the use of Schools in their several Towns—Read and by the House referred to Messrs. J. Wright, Burnham, & Selden to Join a Committee of Council. Resolved that Judge White be appointed to Join said Committee.

The Resolution of the House appointing a Committee on the third Article of the [second reported] Arrangement of the Business before [the] House Viz. that the several acts Regulating the Office of Treasurer be Revised, Consisting of one Member from each County. Members Chosen Messrs. Selden, Spooner, Burnham, Keyes, Hard, & W. C. Harrington, to Join a Committee of Council. Resolved that Judge Marvin be appointed to Join Said Committee.

Adjourned untill 9 O'clock A. M. [tomorrow.]

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WEDNESDAY Oct. the 14 Day A. D. 1795.

Met according to adjournment.

On motion of Judge Knoulton that he may be released on the Petition of Sherburne Hale, Resolved that he may be released & that Judge Williams be appointed in his Stead.

The Petition of Gen<sup>l</sup> Ira Allen Esq<sup>r</sup> of Colchester praying the Legislature of this State to make an Alteration in the Name of the University of the State of Vermont & Call it *Allen's University*, proposing a Donation of One Thousand pounds worth of Books for a Library & a Deed to the Corporation of fifteen hundred acres of Land, &c. Read and by the House referred to Messrs. Robinson, Butler [Cutler of Rockingham,] Lathrop, Speaker [Lewis R. Morris,] Linsley, Johnson, & W. C. Harrington to Join a Committee of Council, &c. Resolved that Judge Olin be appointed to Join said Committee.<sup>1</sup>

The Petition of the Inhabitants of Johnson praying to be exonerated from being Liable to pay a Certain Tax of about eight pounds now in extent against them which said Tax was Laid on them without any List given in &c. being [read] and by the House Referred to Messrs. Lyon, Campbell, & J. Wright, to Join a Committee of Council &c. Resolved that Judge Galusha be appointed to Join said Committee.

Adjourned Untill 2 O'clock P. M.<sup>2</sup>

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<sup>1</sup> Oct. 22, the above-named committee reported, recommending a postponement to the next session; but the matter was referred to another committee, which reported the documents in detail, with the opinion that while the proposition of Allen was liberal, it was not agreeable to his first offer, and to the purport of his proposed act. The House agreed to the report, and gave Allen leave to withdraw.—See printed *Assembly Journal* for 1795, pp. 119 and 141.

<sup>2</sup> Most of the morning of this day was spent by both Houses in Grand Committee, of which the Secretary of the Council made no note. The principal business was the election of county officers, but the following elections were also made: Isaac Tichenor, Enoch Woodbridge, and Lot Hall, Judges of the Supreme Court; James Whitelaw Surveyor General; and Elisha Clark Auditor of Accounts against the State.



Met according to adjournment.

A Letter of Resignation was presented to his Excellency by Samuel Fletcher Esq. Maj. Gen<sup>l</sup> of his Office as such, which was Read and approved of by the Gov<sup>r</sup>. & Council &c.

General Arad Hunt's Letter of Resignation was taken up again and accepted by the Gov<sup>r</sup>.

An Act Laying [a tax of] Two pence on each acre of Land in the Towns of Norfolk & Canaan for Purposes therein Contained having passed the House, Read and Concurred.

The Petition of William Simpson praying the Legislature to grant him a new Trial in a Certain Cause against him and one Azariah Lomiss Clark final Judgment being rendered against them at the Last Session of the Supreme Court—Read and by the House Referred to Messrs. Sias, Bean & Porter, to Join a Committee of Council. Resolved that Judge Marvin be appointed to Join said Committee.

Adjourned Untill 9 O'clock to Morrow A. M.

THURSDAY Oct. the 15 Day A. D. 1795.

Met According to Adjournment.

An Act Laying a Tax of one penny on each acre of Land in Bolton for the Purposes therein Mentioned having passed the House, Read and Concurred.

An Act appointing States Attornies &c. Having passed the House, Read and Ordered to Lie for the present.

An Act granting a Tax of one penny on each [acre] of Land in the Town of Washington &c. having passed the House, Read and Concurred.

An act Directing the Treasurer of this State to Credit the Town of Hartford the sum of three pounds eight shillings & fourpence having passed the House, [Read] & Concurred.

An act granting a Tax of one penny on each acre of Land in the Town of Calais for the Purposes therein mentioned having passed the House, Read and Concurred.

An act for the Purpose of paying the Commissioners for settling with the Treasurer of this State [having passed the House,] Read & Ordered to Lie for the Present.

A Draft for a Proclamation for a Public Day of Thanksgiving & Praise throughout this State was Read & Approved of.

Adjourned Untill 2 O'clock P. M.

Met according to adjournment.

The Act for paying the Commissioners for settling with the Treasurer was taken up agreeable to Order. Read and Concurred with the following proposals of Amendment Viz. that next after the word Day in the fourth Line from the Bottom be Inserted the words while attending on said Business be inserted.

An Act in addition to & to Continue in force an Act entitled an Act to Release from Confinemet the Boby of Samuel Beach &c. having passed the House &c. Read and Concurred.

An Act granting to John W. Blake, Calvin Knoulton & their Associates the exclusive Right of Building a Bridge over West River &c. Having passed the House &c. Read and Ordered to Lie.

The Petition of John Kelly of the City and County of New York praying for a New Trial in Two Causes brought against Stephen Gerner & Joshua Moss, Read and by the House Referred to the Committee

appointed on the Petition of James Rogers to Join a Committee of Council &c. Ordered to Lie.

The Petition of James Rogers of Upper Canada in behalf of himself and Heirs to his Late Father [Col. James Rogers,] praying that the Board of Trust appointed in behalf of this State to take his Late Father's Estate into the Custody of the Law in Order to Confiscate the same [be authorized and requested to convey to him all the lands in Londonderry, formerly called Kent, which remained unsold on the ratification of the treaty of peace between his Britannic Majesty and the United States, having been] Read and by the House Referred to Mess<sup>rs</sup> Robinson, Campbell, Train, Gallup, Hide, Allis, & Chittenden, to Join a Committee of Council &c. Resolved that Judge Strong be appointed to Join said Committee.

Adjourned Untill tomorrow morning 9 O'clock A. M.

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[FRIDAY, Oct. 16 1795.]

Met according to adjournment.

An act assessing a Tax of one penny on each acre of Land in the Town of Duxbury having passed the House, Read and Concurred.

An act for appointing a Committee to Determine the Place or Places for County Buildings in the County of Orange having passed the [House,] Read and Concurred.

An act in Amendment of an Act granting to William Page, Lewis R. Morris and their Associates the Privilege of Locking Bellows falls having passed the House, Read and Concurred.

The act granting to John W. Blake, Calvin Knoulton Esquires & their Associates the exclusive Right of Building and having a Toll Bridge over west River at the Place therein Mentioned was taken up agreeable to the Order of the Day—Resolved that [Lieut.] Gov<sup>r</sup> Hunt & Gen<sup>l</sup> Brigham be appointed a Committee from Council to make proposals of amendment to said Act.

Adjourned Untill 2 O'clock P. M.

[Met pursuant to adjournment.]

An act empowering Israel Smith &c. to Deed Land in Bradford in a Certain Case therein mentioned having passed the House, Read and Concurred.

An Act granting to John W. Blake, Calvin Knoulton Esqr<sup>r</sup> & their associates the exclusive Right of having & Building a Toll Bridge over West River was again taken up agreeable to the Order of the Day. Read and Concurred with proposals of Amendment.

The Consideration of an act entitled an Act Appointing States Attornies in the several Counties within this State was again Reassumed and Concurred with proposals of Amendment.

Adjourned Untill 9 O'clock Tomorrow Morning.

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SATURDAY Oct. the 17 Day A. D. 1795.

Met According to Adjournment.

The Petition of John A. Graham Esquire of Rutland praying for the exclusive Right of Smelting all Gold, Silver, Copper, Brass, and Lead ore within this State for the Term of thirty five Years which he may Purchase &c. Read and by the House Referred to Messrs. Shumway, J. Hazletine, Osgood, Stephens, Hyde, Davis, & Stanton to Join a Committee of Council &c. Resolved that Judge Olin be appointed to Join said Committee.

The Hon<sup>ble</sup> Isaac Tichenor Esq<sup>r</sup> was Qualified to his Office as Cheif Justice by his Excellency the Gov<sup>r</sup>.

An act in addition to an act entitled an Act for appointing and supporting Schools and Building School Houses &c. having passed the House, Read & Ordered to Lie.

An act for appointing a Committee to Determine the Place for erecting County Buildings &c. in the County of Caledonia &c. having passed the House, Ordered to Lie for the present.

The Petition of William Simpson praying for a New Trial being recommended by the House, Resolved that Gen<sup>l</sup> Walbridge be appointed to Join said Committee.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment and adjourned Untill Monday next 10 Oclock A. M.

MONDAY Oct. the 19 Day A. D. 1795.

Met according to adjournment.

An act Directing the Treasurer of this State to pay Matthew Lyon the sum of Two hundred & thirteen pounds fifteen shillings Lawful money &c. having passed the House, Read and Concurred.

An act Directing the Treasurer of this State to pay the sum of fifteen pounds three shillings to John Chipman Esq<sup>r</sup> Sheriff &c. having passed the House, Read and Concurred.

General Safford moved for Liberty of Absence the Remainder of the Session which was granted by the Council.

Adjourned Untill 2 Oclock in the afternnoon.

Met according to adjournment and proceeded to the House for the purpose of Joining in grand Committee agreeable to the Request of the House.<sup>1</sup>

An act Directing the Treasurer of this State to pay to the Selectmen of Dummerston the sum of sixteen pounds seventeen shillings & sixpence having passed the House, Read and Concurred.

An act assessing a Tax of one penny on each acre of Land in Moretown having passed the House, Read & Concurred.

An act assessing Twopence on each Acre of Land on the Township of Waterbury having passed the House, Read and Concurred.

The Hon<sup>ble</sup> Enoch Woodbridge Esquire was Qualified to his Office as first side or Assistant Judge in the Superior Court; also the Honable<sup>s</sup> Samuel Safford, Ebenezer Marvin, Paul Brigham, Samuel Williams, Cornelius Lynde, & Elijah Robinson Esquires to their Respective Offices [Judges of the County Court,] by his Excellency the Governor.

An act to Direct the Recording of survey Bills &c. having passed the House, Read and Concurred with the following amendment Viz. that the Proviso to said act be struck out and the following added Viz. that said act shall not extend to any surveys or survey Bills or Records thereof heretofore made any thing &c.

An Act in addition to an Act entitled an Act for appointing & supporting Schools having passed the House, Read and Concurred with the following proposal of Amendment Viz. that the Clerks [of school dis-

<sup>1</sup> The Grand Committee made further elections of county officers, and the following military appointments: Lewis R. Morris Maj. Gen. of the first division; and Gideon Brownson Brig. Gen. first brigade second division.

tricts] have full power to warn School Districks & when mett shall have the same power to act as they now have when warned by the Selectmen.

Adjourned Untill 9 Oclock to Morrow Morning.

TUESDAY October the 20 Day A. D. 1795.

Met according to Adjournment.

The Resolutions of the House on the Invalids Petitions for Pensions &c. Read & Concurred with the House in their said Resolutions &c.<sup>1</sup>

An act empowering Certain Persons therein Named [administrators on the estate of George Gibson,] to sell Lands as Administrators in the County of Orange &c. having passed the House, Read & Nonconcurrent and sent back from the Council to the House with a Member.

The Petition of Samuel B. Sheldon praying the Legislature to pass an act Impowerin the County Court in the County of Chittenden to assess the Damages his Mill Dam does yearly to the Lands of others adjoining and no Suit shall be brought against him if he tenders or pays the said sums so assessed by said Court, Read and by the House Referred to Mess<sup>rs</sup> Lyon, Lee and Osgood to Join a Committee of Council &c. Resolved that Judge Galusha be appointed to Join said Committee.

An act granting a Tax of one penny on each Acre of Land in the Town of Waitsfield for the Purpose of making Roads &c. having passed the House, Read and Concurred.

An act in addition to an act appointing a Land Tax in the Towns of Colchester, Burlington, Essex, &c. having passed the House, Read and Concurred with the following proposal of Amendment Viz. & it shall be the Duty of said Solomon Miller to Publish the said Notification three weeks successively in the Vermont Gazette, Journal, & the Rutland Herald within six months next after receiving said paper &c.

An act empowering Ebenezer Ober &c. to sell so much of the Real Estate of Asa Ober &c. having passed the House, Read & Ordered to be Sent to the House by a Member for Information into the Reasons of passing said Act &c.

An act for the Continuing in force an act entitled an act to suspend Civil prosecutions against Edmond Willis &c. having passed the House, Read and Ordered to be sent back for the Reasons of the House in passing s<sup>d</sup> act.

Adjourned Untill 2 O'clock in the afternoon.

Met according to adjournment.

Resolved that the first Wednesday of April next be appointed as a Day of public fasting throughout this State.

The Hon<sup>ble</sup> Gamaliel Painter Esq<sup>r</sup> presented his Letter of Resignation from his Office as one of the Assistant Judges of the County Court within and for the County of Addison which was Read and Accepted [and ordered to be sent to the House for their information.]<sup>2</sup>

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<sup>1</sup> These were resolutions of instruction to the Vermont delegation in Congress.—See printed *Assembly Journal* of 1795 pp. 64–67. The result was the addition of several of the Vermont petitioners to the pension roll.

<sup>2</sup> To his excellency the Governor and Council, and House of Representatives, now sitting:

Having received information that you have done me the honour of re-electing me an assistant judge for the county of Addison, I take the

An Act for appointing a Committee to Determine the place for erecting County Buildings in the County of Caledonia Read and Concurred.

An Act in addition to an Act entitled an Act for maintaining Stocks, Sign Posts, & Pounds &c. having passed the House, Read and Concurred with the proposals of Amendment Viz. that next after the word third in the fourteenth Line in the first section, be inserted the words to wit, & in case the owner or owners of such Creature or Creatures taken Damage feasant & notice given so as aforesaid shall Neglect or Refuse to appoint an Appraiser, or the Appraisers when Chosen by the pound Keeper or Owner as aforesaid Cannot agree upon the third person when necessary, the Party agreeid may apply to the next Justice of the Peace who is empowered to Judge in Civil Causes &c. and appoint one or more as the Case may be &c.

An act empowering Ebenezer Ober &c. to sell so much Land of Asa Ober &c. as to pay the sums of Twelve pounds Two shillings & 2<sup>d</sup> &c. having passed the House, Read and Concurred.

An act to Incorporate Certain Persons for Locking Falls, Cutting Canals &c. having passed the House, Read & Concurred.

Adjourned Untill 9 Oclock to Morrow Morning.

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WEDNESDAY Oct. the 21 Day A. D. 1795.

Met According to Adjournment.

An act assessing a Tax of Twopence per acre on the Towns of Averil & Lewis &c. &c. having passed the House, Read and Concurred.

Samuel Mattocks Esquire as Principal and Nathaniel Chipman & John Strong Esquires as sureties Acknowledge themselves to be Jointly & severally Bound & Holden unto the Secretary of this State in the Penal sum of ten thousand pounds Lawful money which payment well & Truly to be made they bind themselves their Heirs and Assigns firmly by these presents this 21 Day of Oct. 1795 Upon the following Conditions Viz. that if the said Samuel Mattocks Esquire shall faithfully execute the Office of a Treasurer within & for the State of Vermont for the year ensuing so that neither the Public or any Individual suffers any Damage thereby then this bond of Recognizance to be Void otherwise to Remain in full force and Virtue.

An act assessing a Tax of one penny per Acre on the Township of Lincoln for the Purpose of making and Repairing Roads &c. having passed the House, Read & Concurred.

Upon Motion Leave was given to Judge Robinson to bring in a Bill for the Repeal of the act passed this Session making States Attornies in the several Counties in this State. Read and Ordered to Lie.

The act entitled an act for the Continuing an act to suspend Civil prosecutions against Edmond Willis having passed the House, Read and Concurred.

The Resolution of the House Requesting the Governor & Council to Join the House of Representatives in grand Committee at the Opening

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earliest opportunity of informing you that I decline serving in that office. At the same time, I am far from being insensible of the honour you have conferred on me, by the last testimony of your approbation: and shall ever hold in remembrance the repeated instances in which you have heretofore done me the honour of appointing me to that office, which I have sustained since I have been an inhabitant of this state; for which you will please to accept the warmest acknowledgments of your most obedient and devoted humble servant,

GAM. PAINTER.

Windsor, 20th Oct. 1795.

of the House in the afternoon for the Purpose of Electing an Associate Judge in the County of Addison Vice Judge Painter resigned, read & Resolved to Join accordingly.<sup>1</sup>

An act [in addition to and repealing part of an act] assessing a Tax of Two pence on each acre of Land in Moretown for the Purpose of Building Bridges & Repairing Roads in said Town &c. having passed the House, Read & Concurred.

Adjourned Untill one Oclock in the afternoon.

Met according to Adjournment.

The Bill brought in by Judge Robinson by Motion was taken up and Resolved not to send the same to the House.

An act granting a Tax of one penny on each acre of Land in Northfield &c. having passed the House, Read & Concurred.

An act in addition to S<sup>nt</sup> Georges Land Tax &c. having passed the House, Read and Concurred.

An act Discharging the Town of Johnson from paying a Tax therein mentioned having passed the House, Read and Concurred.

A Bill [for a jail and work-house, or state prison,] brought in by the House upon the 2 Articles of the Arrangement of the Business Reported this Session and by the House Referred to Mess<sup>rs</sup> Selden, Cutler, Lyon, Stephen [Elias Stevens,] Linsley, Morey, & Stanton to Join a Committee of Council &c. Resolved that Judge Brigham be appointed to Join s<sup>d</sup> Committee.

Adjourned Untill 9 Oclock to Morrow Morning.

THURSDAY Oct. the 22 Day A. D. 1795.

Met according to adjournment.

An act granting a Tax of one penny on each acre of Land in the Town of Westford for the Purpose therein mentioned &c. having passed the House, Read and Concurred.

An act forming the east half of Londonderry & Macks Leg &c. into a separate Town &c. having [passed] the House, Read & Concurred.

Thomas Gould's Petition praying for a New Trial in his Cause against James Nobles &c. in the County Court in & for the County of Rutland, Read and by the House Referred to Join a Committee of Council &c. Resolved that Judge Galusha be appointed to Join said Committee.

Adjourned Untill 2 Oclock in the afternoon.

Met according to adjournment.

An Act suspending the Collection of an Execution in favour of James McLaughlin against William Simpson &c. having passed the House, Read & Concurred.

An Act granting to Israel Converse, Josiah Eden, Stephen Fisk, & Timothy Mitchel the exclusive Right of Running a Stage from Windsor to Burlington on the most Direct Rout and Road &c. having passed the House, Read and Concurred with the following proposals of amendment

<sup>1</sup>In Grand Committee the following elections were made: John Stewart Brig. General first brigade first division, and John Fuller Brig. Gen. eighth brigade first division; the following State's attornies, David Fay for Bennington county, Royall Tyler for Windham, Darius Chipman for Rutland, Amasa Paine for Windsor, Daniel Chipman for Addison, Daniel Farrand for Orange, Wm. C. Harrington for Chittenden; and Joel Linsley assistant judge for Addison county.

Viz. that instead of the words on the main post Road in the seventh Line of the first enacting Clause of said act be Inserted the words the most Direct and Convenient Road &c.

An act empowering the Administrators of Elijah Austin Late of New-fane to sell Lands &c. having passed the House, Read and Concurred.

An Act to Dismiss the Hon<sup>ble</sup> Gamaliel Painter Esquire from being a Manager of the Reparation Lottery &c. having passed the House, Read and Concurred.

The Hon<sup>ble</sup> General Ira Allens Petition Recommitted by the House to Join a Committee from the Council, Resolved that [Lieut.] Gov<sup>r</sup> Hunt & Judge Williams be appointed to Join said Committee.

Adjourned Untill 9 Oclock to Morrow A. M.

FRIDAY October the 23 Day A. D. 1795.

Met according to adjournment.

An Act Granting to John A. Graham Esq. the exclusive Right of Smelting and Refining Certain Minerals & Metals &c. having passed the House, Read and Concurred.

An Act Directing the Board of Trust to Deed Lands in London'erry to James Rogers & the other Heirs of James Rogers his Late Father Deceased &c. having passed the House Read and Concurred with proposals of Amendment.

His Excellency the Gov<sup>r</sup> Dissented & wished the same to be entered Upon the Journals.

An Act Laying a Tax of one [penny] on each Acre of Land in the Town of Wolcott &c. having passed the House, Read and Concurred.

An Act Laying a Tax on Chittenden County having passed the House, Read & Concurred.

An Act to set aside or Nullify part of the proceedings of the Administrators on the Estate of James Frazier &c. having passed the House, Read and Concurred.

An Act assessing a Tax of one penny on each acre of Land in the Township of Hardwich &c. having passed the House, Read & Concurred.

An Act assessing a Tax of one penny on each acre of Land in the Township of Eden &c. having passed the House, Read & Concurred.

An Act assessing a Tax of one penny on each acre of Land in the Township of Lutterlock [Albany,] &c. having passed the House, Read & Concurred.

An Act in addition to an Act entitled an Act for Dividing the Counties of Orange and Chittenden into five Counties &c. having passed the House, Read and Concurred.

An Act granting a Tax of one penny on each acre of Land in the Town of Fairfax &c. having passed the House, Read & Concurred.

An Act appointing a Collector in the Town of Berlin having passed the House, Read and Concurred.

An Act appointing a New Collector in Moretown having passed the House, Read & Concurred.

An Act to Stay proceedings in favour of John Partridge against Robert Knoulton having passed the House, Read and Concurred.

An Act Assessing a Tax of one penny on each Acre of Land in the Town of Greensboro' &c. having passed the House &c. Read & Concurred.

An Act in addition to an act entitled an act granting a Lottery for the Purpose of Raising 2500 Dollars &c. [for the purpose of clearing the channel of Connecticut river from Lebanon falls to the north line of Massachusetts,] having passed the House, Read and Concurred.

An Act empowering Samuel Allen to sell the Lands of Asahel Leet Late of Tinnmouth Deceased having passed the House, Read & Concurred.

An Act Laying a Tax of three farthings on the pound on the Polls & Rateable estate in the County of Windsor &c. having passed the House, Read & Concurred with a proposal of amendment.

Adjourned Untill 2 Oclock P. M.<sup>1</sup>

Met according to adjournment.

An Act Directing the Treasurer of this State to pay to Daniel Buck Esquire as Attorney Gen<sup>l</sup> for his services for the Last year the sum of £57 : 11 : 4 having passed the House, Read & Concurred.

An Act Laying a Tax of 3 farthings on the Polls & Rateable estate in the County of Windsor &c. Returned [from the House] with the Reasons for non concurring in the Amendment proposed &c. Read and the Amendment Reconsidered, & Concurred.

Adjourned Untill 9 Oclock To Morrow Morning.

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WINDSOR Saturday Oct. the 24 Day A. D. 1795.

Met according to Adjournment.

An Act to Restrain & Regulate the fishing in the Great Pond in Greensborough &c. having passed the House, Read & Concurred.

An Act Assessing Twopence on the pound on the List of the year A. D. 1795 [having passed the House,] Read & Concurred.

Adjourned Untill 2 Oclock in [the] Afternoon.

Met according to Adjournment.

An Act Authorising the Sheriff of Chittenden County to appoint Two additional Deputies &c. having passed the House, Read & Concurred.

An act in addition to an act entitled an act granting to Anthony Haswell a Lottery &c. having passed the House, Read & Concurred.

An Act for Levying a County Tax in the County of Bennington having passed the House, Read & Concurred.

An Act granting a Tax of one penny on each acre of Land in the Town of Marshfield having passed the House, Read & Concurred.

An Act enabling the Administrator of Benjamin Cahoon to sell real estate &c. having passed the House, Read and Concurred.

Adjourned Untill Monday next at 10 Oclock forenoon.

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[MONDAY, Oct. 26 1795.]

Met according to Adjournment.

An Act empowering Certain Persons thereing named to take care of & Lease out the Lands granted to the use of the County Grammar Schools in the proposed County of Orange [Caledonia] having passed the House, Read & Nonconcurred and Ordered that the same be sent back to the House by a Member from the Council to state the Reasons of their Nonconcurrence &c. Resolved that General Brigham be appointed a Member for that purpose.

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<sup>1</sup> From the *Assembly Journal*, Oct. 23 1795:

Resolved that the salary of his Excellency the Governor be one hundred and fifty pounds for the year ensuing.

Resolved also that the salary of Samuel Mattocks Esq., [State Treasurer,] be one hundred and twenty pounds for the year ensuing.



An Act establishing a County Grammar School in the County of Cal-  
edonia &c. having passed the House, Read and nonconcurrent and Resolved  
that General Brigham be appointed a Member from the Council to  
Transmit the same and assign the Reasons of the Council for their non-  
concurrence.

An Act in addition to an Act entitled an Act Regulating the Choice  
of Representatives to Congress &c. having passed the House &c. Read  
and Concurred.

An Act Directing the Treasurer of the State of Vermont to pay out  
several sums of money &c. having passed the House &c. Read and  
Concurred.

An act empowering the Justices and Selectmen to Make Abatements  
in Certain Cases therein Mentioned &c. having passed the House, Read  
and Concurred.

An Act for the Relief of Nathan Osgood Esq. in his Capacity as  
Bondsman for Augustine Hibbard &c. having passed the House, Read  
and Concurred.

An Act granting the exclusive privilege of Keeping a Ferry from  
Milton to South Hero &c. having [passed] the House, Read and Con-  
curred.

An act in addition to an act entitled an Act assessing a Tax of Two-  
pence on each acre of Land in the Town of Victory in the County of  
Orange &c. having passed the House, Read and Concurred.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

An Act empowering & Directing Certain persons therein mentioned  
to Lay out and survey a Post Road from Massachusetts Line to the  
North Line of the Town of Newbury in the County of Orange having  
passed the House, Read & Concurred with proposals of Amendment.

An Act assessing the fees of the Legislature for the present year hav-  
ing passed the House, Read and Concurred with the following amend-  
ment, that the Council Receive their fees in a Due proportion.<sup>1</sup>

An Act repealing an act entitled an Act for the Temporary Residence  
of the Legislature of this State for the time therein mentioned having  
passed the House, Read and Nonconcurrent for the following Reasons to  
wit, that the said Act being a Temporary one and so near the expiration  
and no evils to be apprehended from its Operation &c.

Adjourned Untill Tomorrow 9 Ocl. A. M.

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<sup>1</sup> The act as finally passed fixed the pay of one dollar and forty-six  
cents per diem for Councillors, and one dollar and twenty-five cents for  
members of the House and the Auditor of accounts. The act applied  
only to the session of 1795. The appropriation act for state expenses for  
the legislative year, Oct. 1795 to Oct. 1796, was £1723 2 7 for debentures  
of Lieut. Governor, Council, General Assembly, and necessary officers  
including the Auditor of accounts; £3 for wood and candles for the  
Council room; 18 shillings for same for the clerks; \$50 for powder used  
on election day; £1 10 to the Auditor for services in 1794-5 in the  
recess of the legislature; \$10 extra to the Secretary of the Council; and  
\$5 extra to the Sheriff. The appropriation for Auditor's orders was  
£1600. The pound was reckoned at \$3.33½ cents.

TUESDAY Oct. the 27 Day A. D. 1795.

Met according to adjournment.

An Act in addition to an act Incorporating the City of Vergennes having passed the House, Read and Concurred.

An Act in addition to an act Laying a Tax on Brumly [Peru] & Landgrove &c. having passed the House, Read and Concurred.

An Act to appoint a Committee for the purposes therein mentioned &c. [to set off part of a farm to Joseph Macks of Wilmington, which had been set off on an execution in favor of State Treasurer Mattocks,] having passed the House, Read and Concurred.

An Act Discharging Timothy Church from the payment of a Certain part of a note therein mentioned &c. having passed the House &c. Read and Concurred.<sup>1</sup>

An Act in addition to an act appointing a Committee to Divide Sunday Towns in the Northern part of this State having passed the House, Read and Concurred.

An Act Introducing Dollars and its parts as the Money of Account in this State &c. having passed the House, Read and Concurred with proposals of amendment.

Resolved that Judge Lynde be appointed to Receive the Debentures of Council.

An act granting to Stephen Jacob, Amasa Paine, & Oliver Gallup the exclusive Right of Building a [toll] Bridge of [over] White River &c. [in Hartford,] having passed the House, Read and Concurred.

Adjourned Until 2 O'clock P. M.

Met according to adjournment.

A Resolution from the House Allowing the Lieut. Governor ten Dollars in addition to his fees allowed by Law, Read & Concurred.

An act granting to Amasa Paine three pounds for his services as Deputy Attorney General having passed the House &c. Read and Concurred.

An act with respect to the Negotiability of Notes &c. having passed the House, Read and Concurred with the following proposal of amendment Viz. that no executor or administrator shall be barred by said act &c.

An act granting a Suspension of prosecutions against Harding Williard for one year &c. having passed the House &c. Read and Concurred.

An act to Continue the Jurisdiction of Orange County till the first Day of December A. D. 1796 having passed the House, Read and Concurred. [Jurisdiction over towns set off in the formation of new counties.]

An act to prevent the Destruction of Muskrats &c. having passed the House, Read and Concurred.

An act regulating the Taxation of Costs in Justices Courts &c. having passed the House, Read and Concurred.

An act appointing a Committee to Receive & Compile [to collect, compare and revise] the Laws of this State &c. having passed the House, Read and Concurred.

An act making appropriations for the present year &c. having passed the House, Read & Concurred with proposals of Amendment.

An act in Addition to and Alteration of an Act entitled an act in addition to an act &c. for summoning Juries &c. having passed the House, Read and Concurred.

<sup>1</sup> See Vol. III, pp. 268, 276, 297, and 333.

An act granting to Samuel Williams, Gideon Olin, & Jonathan Parker Jun. &c. a Certain Gore of Land &c. having passed the House &c. Read and Concurred.

An act empowering Jonathan Robinson Esq. to Draw out ten Dollars out of the Treasury &c. having passed the House, Read & Concurred.

An act exempting Certain Towns from paying State Taxes &c. having passed the House, Read and Concurred.

An act for the Relief of Merrill Sheppard &c. having passed the House Read and Concurred.

An act granting to Benjamin Cady a Bill of Abatement &c. having passed the House, Read and Concurred.

An act allowing the Town of Shaftsbury the sum of fourteen pounds seven shillings out of the Public Treasury of this State &c. having passed the House, Read and Concurred.

An act appointing certain persons therein Named to Inspect & Certify the Printed Volumes of the Statute Laws of this State &c. having passed the House Read & Concurred.

The act repealing an act entitled an act to establish the Residence of the Legislature &c. being Returned from the House [with a message] that they Do not Recede from the Act for the Reasons Offered by the Council, therefore Resolved by the Council that said act be suspended Untill the next Session of the Legislature.

An act relating to the payment of the Surveyor General &c. having passed the House, Read & Concurred with proposals of Amendment.

An act of Suspension in favour of Daniel King &c. having passed the House, Read and Nonconcurred & Resolved that it be Recommended to the Legislature to Lay over said Act to the next Session &c. that the Creditors be Notified &c.

An act altering the name of the Town of Newhuntington to that of Huntington, having passed the House, Read and Concurred.

An act making provision in Cases where Records of any Court of Probate are Destroyed by fire &c. having passed the House, Read and Concurred.

An act empowering Selectmen to Lease Lands belonging to County Grammar Schools &c. having passed the House, Read and Concurred.

An act Crediting the Town of Bennington three pounds seventeen shillings & nine pence &c. having passed the House, Read and Concurred.

## CONFISCATION OF THE PROPERTY OF ENEMIES TO THIS AND THE UNITED STATES.—1779.

Whereas the General Assembly of the Representatives of the Freemen of the State of Vermont Did at their Last Session Order the Confiscation and Sale of the Estates both Real and Personal of the Enemies of this & the United States Living within this state who have Distinguished themselves by Repairing to the Enemy or other Treasonable Conduct, and Did appoint the Governor and Council of this State to be a Court to Confiscate and Order the Sale of Said Estates—

To THOMAS CHANDLER Senior Esquire,

You being by said Court appointed a Commissioner to sell said Lands &c. You are hereby Authorised and fully empowered to sell at Public Vendue or at private Sale all or any such Lands, Improvements, possessions, Houses, Mills, or other Buildings, or such part of them as you can

sell to the Advantage of this State, Lying & being in the Townships of Rockingham, Westminster, Kent [Londonderry,] Putney, and Chester, and Moveable Estate, formerly belonging to the Persons whose Names are in the List to this affixed and is by this Court Confiscated to the use of this State. You will give Deeds in the Name and in behalf of the Representatives of the Freemen of this State. If the Title was Derived from the Government of Newhampshire you will warrant the Purchaser the said Newhampshire Title and if the forfeiture had only the Newyork Title where there is no Hampshire Grant on said Lands you will sell the Possession and Improvement only except in the Town of Kent [Londonderry]. You will not sell on any other Terms than for cash Down except you first have Liberty from this Court. You will take care to sell to Persons who are known friends to this and the United States and such persons as are Disposed to settle and Improve the Lands soon. Such of Said Lands &c. as are by Bargain or Lease actually Made by any of the Commissioners of Sequestration Let out to any person or Persons for any Term of Time, You will sell under such Incumbrances making such Reserves as will be necessary to Keep good the Bargain or Lease of said Commissioner of Sequestration. You will take all proper means to make public that you have such Lands to sell. You will take the advice of the Selectmen of the Town where you sell Lands &c. in that [what] manner it is best to sell before you Determine the sale of any of the aforesaid Lands &c. You will take care to ascertain the Bounds and Quantity of the Lands you sell in the Deeds you give. You will take care to Obtain all the writings that Did belong to the Persons whose Names are in the annexed List in Order to enable you to ascertain the proper title to the Lands as also the Debts and Credits of said persons; if any person or persons within this State is by you suspected to have in Custody or have any knowledge of any papers that Did belong to any of said persons, you are hereby empowered by a summons or warrant to call him or them before some assistant [Councillor] or Justice of the Peace & examine him or them under Oath relative to the Matters. You will take a Certificate on Oath from the persons to whom you sell Lands &c. Certifying the exact sums of money they pay unto you For any of the aforesaid Lands &c. also ascertaining the Bounds and Quantity, in what Town & what part of the Town and who was the forfeiter. You will mention in the Deeds you give the exact sum you receive. The aforesaid Certificate [you] will Transmitt to this Court for Record. You will Lodge the monies arising from such Sales together with such monies as you Collect being Due by Bond, Note or Otherwise, to such persons, which Debts you are hereby Authorized to Collect, with the Treasurer of this State or his Substitute, and after you have sold the whole of the Estate of any of the aforesaid persons you will apply to the Gov<sup>r</sup> of this State or any one Member of this Court who shall appoint Two Respectable Freeholders of this State Commissioners who shall advertize the Creditors of said Estate or Estates in the Hartford [Connecticut] Newspapers three weeks successively at least one Month before they shall meet of the time and place of their Meeting, their Business, and [notifying them] to bring in their accounts [against] Estate or Estates; Also set up a Copy of said Advertisement in some Public Place in the Town where the person Last Resided when said Commissioners will sit to find & examine the accounts against said Estates & Determine the Just Debts Due from such Estate or Estates and a True List of them to you Deliver which List together with a List of the Collectable Debts Due to the forfeiter you will forthwith Transmitt to the Treasurer of this State. Said meeting you will attend in behalf of this State. Said Commissioners to be paid a Reasonable Reward for

their services. You will Keep a Just and True account of the Time and Money you spend in performing the Business herein enjoined on you and exhibit the same to this Court for settlement.

THOMAS CHITTENDEN *Govr.*

Bennington February the 23 Day A. D. 1779.

The foregoing is A true Copy of the Original Commission & Directions therein Contained as given to me & ordered to be Recorded by his Excellency the Governor. Attest, TRUMAN SQUIER *Secretary.*

A True List of Tories Names Upon the Back of said Commission Viz.

Col James Rogers: Kent.

Capt. Timothy Lovil—Rockingham.

Crean Brush

William Patterson } Westminster.

Samuel Gale

William Smith } Newyork,

Thomas Smith }

Attest,

TRUMAN SQUIER *Secretary.*<sup>1</sup>

WINDSOR Tuesday Oct. the 27 Day A. D. 1795.

DEBENTURE OF COUNCIL for Windsor October Session A. D. 1795.

His Honor the Lieuft. Govr.	Miles Travel.	Day Att.	£.	S.	D.
Jonathan Hunt & the Honorable	55	20	19	16	8
Samuel Safford	90	13	8	13	9
John Strong	90	20	11	15	0
Ebenezer Walbridge	90	20	11	15	0
Luke Knoulton	48	20	10	7	0
Ebenezer Marvin	150	20	13	15	0
Paul Brigham	22	20	9	9	8
Jonas Galusha	85	20	11	11	8
Gideon Olin	87	20	11	13	0
John White	125	20	12	18	4
Cornelius Lynde	55	20	10	11	8
Elijah Robinson & Samuel Williams	10 45	20 20	9 10	1 5	8 0
Esquires Councillors.					
Truman Squier Sec'y	70	20	11	6	8
& William Sweetser Sheriff		20	7	10	0
			£173:	10:	0
			[170:	10:	1]

Attest,

TRUMAN SQUIER *Secretary.*

THE END OF WINDSOR OCT. SESSION FOR THE YEAR A. D. 1795.

<sup>1</sup>The foregoing copy of a commission of sequestration doubtless was ordered to be recorded by Gov. Chittenden, as embracing the reasons for his dissent to the surrender of the land of Col. Rogers in Kent [Londonderry.]

# TWENTIETH COUNCIL.

OCTOBER 1796 TO OCTOBER 1797.

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THOMAS CHITTENDEN, Williston, *Governor*.

PAUL BRIGHAM, Norwich, *Lieut. Governor*, and *Acting Governor* from Aug. 25 until Oct. 16 1797.<sup>1</sup>

## *Councillors:*

SAMUEL SAFFORD, Bennington,  
JOHN STRONG, Addison,  
LUKE KNOULTON, Newfane,  
EBENEZER MARVIN, Franklin,  
PAUL BRIGHAM, Norwich,<sup>2</sup>  
JONAS GALUSHA, Shaftsbury,  
GIDEON OLIN, Shaftsbury,

JOHN WHITE, Georgia,  
CORNELIUS LYNDE, Williamstown,  
ELIJAH ROBINSON, Weathersfield,  
SAMUEL WILLIAMS, Rutland,  
WM. CHAMBERLAIN, Peacham,  
STEPHEN JACOB, Windsor.<sup>3</sup>

TRUMAN SQUIER, Manchester, *Secretary*.

JONATHAN BELL, Rutland, *Sheriff*.

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## BIOGRAPHICAL NOTICES.

Gen. WILLIAM CHAMBERLAIN, born at Hopkinton, Mass., April 27 1753, removed with his father to Loudon, N. H., in 1773; volunteered in the army in 1775, and served as orderly sergeant in the invasion of Canada, suffering all sorts of privations, and being one of the nine officers and privates, out of a company of seventy, who survived to take part in

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<sup>1</sup>Gov. Chittenden died on Friday, Aug. 25 1797. It has been stated that he resigned his office previous to his death; but this is an error, Gov. Chittenden's address to the freemen in July, 1797, being simply a notice that he would not be a candidate for re-election. Gov. Chittenden did not attend the adjourned session in February 1797, and Lieut. Brigham presided over the Council during the session.

<sup>2</sup>Elected Lieut. Governor, in Grand Committee, Oct. 14 1796.

<sup>3</sup>Elected Councillor, in Grand Committee, Oct. 15 1796, vice Brigham promoted.

the battle of Trenton, N. J. At the expiration of his enlistment he returned to New Hampshire, but on Burgoyne's invasion he again volunteered, and was in the battle of Bennington, from which he is said to have brought away some trophies of personal combat with his enemies. About 1780 he removed to Peacham, being then clerk of the proprietors of the town. He was town clerk twelve years; justice of the peace twenty-four years; town representative in 1785, 1787 until 1796, in 1805, and 1808—twelve years; Chief Judge of Caledonia County Court 1787 until 1803, and again in 1814—seventeen years; Councillor from 1796 until 1803—seven years; Lieutenant Governor 1813 to 1815; a delegate to the Constitutional Conventions of 1791 and 1814; a Presidential Elector in 1800; and a Member of Congress two terms, 1803-5, and 1809-11. He died Sept. 27 1828. In private life he was upright, a friend of order, learning, and religion. He lived to see the wilderness become a cultivated and populous region, and as a matter of far higher moment to himself, closed a long, useful, and eventful life on earth in humble trust of a better life in heaven.—*Vt. Historical Magazine*. Vol. I, p. 363; *Deming's Catalogue*; and *Vermont Legislative Directory*.

STEPHEN JACOB, an attorney, born in Sheffield, Mass., and a graduate of Yale college in the class of 1778, appeared first in the records of Vermont as poet at the first celebration, in 1778, of the battle of Bennington. He was a representative in the General Assembly for the town of Windsor in 1781, which office he held in 1788 and 1794. He served also as Clerk of the House in 1788 and 1789. He was a member of the first Council of Censors in 1785, and a delegate in the Constitutional Convention in 1793. He was Chief Judge of Windsor County Court from 1797 until 1801, and Councillor from 1796 until 1802. He distinguished himself for courage and energy in quelling the attempted insurrection in Windsor county in 1786, and in 1789 he was appointed one of the Commissioners to settle the controversy with New York, and he served in that delicate and important business. He died in February 1817, aged sixty-one.—*Vt. Hist. Soc. Collections*, Vol. I, pp. 254, 265; B. H. Hall's *Eastern Vermont*; *Deming's Catalogue*, and *Vermont Legislative Directory*.

RECORD OF THE GOVERNOR AND COUNCIL  
AT THE  
SESSION OF THE GENERAL ASSEMBLY AT RUTLAND,  
OCT. 1796.

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STATE OF VERMONT.

At a Meeting of the Governor & Council at their Annual Oct. Session begun and Held at Rutland on the thirteenth day of Oct. A. D. 1796, Present, His Excellency Thomas Chittenden Esq<sup>r</sup> Gov<sup>r</sup>. His Honor Jonathan Hunt Esq<sup>r</sup> Lieut. Gov<sup>r</sup> & the following Members of the Hon. Council Viz. Samuel Safford, John Strong, Luke Knoulton, Ebenezer Marvin, Paul Brigham, Jonas Galusha, Gideon Olin, John White, Cornelius Lynde, Elijah Robinson, & Samuel Williams, *Councillors*. Truman Squier *Sec<sup>ry</sup>*. & Jonathan Bell *Sheriff*.

A Bill from the House appointing a Committee consisting of Two Members from each County for the purpose of sorting and Counting the Votes of the Freemen for a Governor, Lieut. Gov<sup>r</sup> Treasurer, & Council, Members Chosen Mess<sup>rs</sup> Dewey, Bradley, Cutler, Bridgman, Osgood, Spencer, Gallup, Morris, Painter, Thompson, Farrand, Sias, Stanton, & Sheldon. Read & Resolved that Judge Safford, Williams, Strong, White, Lynde, Robinson, and Knoulton be appointed to Join said Committee, which said Committee were Duly Qualified by his Excellency the Gov<sup>r</sup> to their Respective Duty as such.

Attest,

TRUMAN SQUIER *Sec<sup>ry</sup>*.<sup>1</sup>

The above Committee reported to the Gen<sup>l</sup> Assembly the following Gentlemen Duly elected to their respective Offices for the year ensuing and as follows to wit—His Excellency Thomas Chittenden Esq<sup>r</sup> Governor—No Lieu<sup>t</sup> Gov<sup>r</sup> Chosen—The Hon. Samuel Mattocks Esq<sup>r</sup> Treasurer, And the following Members of the Hon. Council Viz. Samuel Safford, John Strong, Luke Knoulton, Ebenezer Marvin, Paul Brigham, Jonas Galusha, Gideon Olin, John White, Cornelius Lynde, Elijah Robinson, Samuel Williams, & William Chamberlin Esquires, Councillors.<sup>2</sup>

Adjourned Untill 9 Oclock to Morrow Morning.

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<sup>1</sup> From the *Rutland Herald* of Oct. 17 1796:

Thursday last being the day appointed by the constitution, for announcing the choice of governor, lieutenant governor, [treasurer,] council, and representatives, the gentlemen returned to serve for the present year, assembled in this town. Having taken the necessary oaths, they were escorted to the meeting-house at 12 o'clock by Capt. Mead's company of light infantry, where a judicious and well adapted discourse was delivered by the Rev. D. [Dan] Kent, of Benson, from Luke xvi, 10. *He that is faithful in that which is least, is faithful also in much: And he that is unjust in the least, is unjust also in much.*

<sup>2</sup> Truman Squier, *Secretary*, and Jonathan Bell, *Sheriff*, are added on the record. They were officers of the Council, but their names did not belong to the report of the Committee of canvassers.



FRIDAY Oct. the 14 Day A. D. 1796.<sup>1</sup>

Met according to adjournment.

The Hon. Members of the Council were respectively Qualified by Oath to their Offices as Councillors by his Excellency the Governor.

His Excellency the Gov<sup>r</sup> was pleased to reappoint Truman Squier Sec<sup>y</sup> to the Gov<sup>r</sup> & Council for the year Ensuing, who was Duly sworn to that Office.

An Official Letter from Lord Dorchester to his Excellency the Gov<sup>r</sup> Demanding some fugitives from Justice agreeable to the 27 Article of the Late treaty made with Great Britain, also Necessary Documents proving them fugitives, which were Read and Ordered to Lye—Also an Official Letter from the Secretary of State to his Excellency favouring the above request, with the President's Opinion thereon.<sup>2</sup>

Adjourned Untill 2 O'clock in the afternoon.

Met according to Adjournment.

A Bill from the House appointing a Committee consisting of one Member from each County for the purpose of making an Arrangement of the Business for the present Session, Members chosen Messrs Baker, Rust, Spencer, Emmons, Linsley, Edson & Stanton ; read and Resolved that Judge Williams, Olin, & Lynde be appointed to join said Committee.

A Bill from the House requesting the Gov<sup>r</sup> & Council to join in Grand Committee this Afternoon for the purpose of electing a Lieut. Gov<sup>r</sup>. Resolved to Join accordingly.

The Gov<sup>r</sup> & Council proceeded to the House and after Joining in Grand Committee for the purpose aforesaid made choice of the Hon. Paul Brigham Esq<sup>r</sup> for the Lieu<sup>t</sup> Gov<sup>r</sup> who was Qualified by Oath to said Office for the year ensuing.

Adjourned Untill 9 O'clock to Morrow Morning.

SATURDAY Oct. the 15 Day A. D. 1796.

Met according to adjournment.

A Bill from the House requesting the Gov<sup>r</sup> & Council to Join in Grand Committee for the Purpose of choosing the Judges of the Supreme Court—Read & Resolved to Join accordingly. The Gov<sup>r</sup> & Council then proceeded to the House and Joined in Grand Committee when by the Joint Ballots of Both Houses the Hon. Stephen Jacob Esq<sup>r</sup> was elected a Councillor to fill the Vacancy of the Hon. Paul Brigham Esq. promoted, & the Hon. Isaac Tichenor Esq<sup>r</sup> as Cheiff Judge & the Hon. Enoch Woodbridge & Lott Hall Esquires as Side or Assistant Judges to the Supreme Court for the year ensuing.

A Letter from Gov<sup>r</sup> Robinson to His Excellency, communicating his Resignation of his Office as Senator, [was] Read, & Resolved that the same be communicated to the House by the Secretary of Council.<sup>3</sup>

A Petition from Jason Richardson & others of Woodstock praying for a Lottery for the purpose of Building a Bridge over Water Queche River in said Woodstock, Read & by the House referred to Messrs. Bradley, Henry, Horton, Curtis, Linsley, Davis, & Peckham, to Join a Committee from Council &c. Read & Resolved that M<sup>r</sup>. Robinson be ap-

<sup>1</sup> The *Assembly Journal* of this morning states:

His excellency the Governor and council being present, the throne of grace was addressed by the Rev. Mr. Heman Ball.

<sup>2</sup> See *Appendix G*.<sup>3</sup> See *Appendix C*.

pointed to Join said Committee & be stiled the Lottery Committee from Council &c.

The Petition of Timothy Morsman & others praying for a Grant of Land or Gore Lying between Summerset and Stratton and that the same be annexed to Stratton &c. Read & by the House referred to Messrs. Sherman, Castle & Crafts &c. to Join a Committee from Council &c. Resolved that Mr. Williams be appointed to Join said Committee.

A Petition for annexing a part of the Town of Windham to Londonderry, and the Remonstrance against it, Read and by the House referred to Messrs. Curtis, P. Wright, & Porter to Join a Committee from Council, Resolved that Judge Galusha be appointed to Join said Committee.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

A Bill from the House requesting the Gov'r & Council to Concur with the House in proceeding on Tuesday Morning next at 9 Oclock in the forenoon to make their several nominations of a Senator to Represent this State in the Senate of the United States, Read & Concurred.

Adjourned Untill Monday next at 9 Oclock in the Morning.

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MONDAY Oct. the 17 Day A. D. 1796.

Met according to adjournment.

An act regulating the Taxation of Costs in Certain Cases therein mentioned, brought in Last Session with an amendment subjoined by their said Committee for that purpose, being Read and Referred to the next Session of Assembly and being taken up again & read & by the House referred to Messrs. Davis, Linsley, & Spencer, to Join a Committee from Council, Resolved that Judge Olin be appointed to Join said Committee.

A Lottery Petition of Sundry Inhabitants of Castleton, Hubbardton, & Sudbury, praying for a Lottery to raise one thousand Dollars for the purpose of making an Improvement upon the Public roads from Bennington thro' Manchester & Directly thro' Castleton, Hubbardton, Sudbury & so on in the most direct route to Middlebury, Read and by the House referred to the Lottery Committee to Join a Committee from Council, Resolved that the Lottery Committee from the Council Join said Committee.

A Petition for a Lottery to raise four Hundred Dollars for the purpose of Building a Bridge over White River, Read and by the House referred to the Lottery Committee to Join the Lottery Committee from the Council. Resolved to Join accordingly.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

The Petition of William Hazeltine of Rockingham in the County of Windham setting forth his Misfortunes in being wounded in the Last war in the service of the United States, to wit at the Bennington battle, praying the assistance of the Legislature of this State to cause him to be put upon the Pension List, Read and by the House referred to Messrs. P. Wright, Josiah Arms, Abel Stephens [Stevens,] Safford, Claghorn, Barron, & Sheldon, to Join a Committee from Council, Resolved that Mr. Galusha be appointed to Join said Committee.

The Petition of the Selectmen of Pomfret praying for Liberty to enter an Appeal in the County Court within and for the County of Windsor from an Order of Removal of a Poor Person removed from Woodstock to said Pomfret the said appeal not being entered in Due time, Read and by the House referred to Messrs. Wait, Enos Stevens, & Ephraim

Wheelock, to Join a Committee from Council, Resolved that Mr. Olin be appointed to Join said Committee.

Adjourned Untill 9 Oclock to Morrow Morning.

TUESDAY Oct. the 18 day A. D. 1796.<sup>1</sup>

Met according to adjournment.

The Hon. Stephen Jacob Esq<sup>r</sup> arrived and took his seat in Council after taking his Oath of Office.

The Council agreeable to the Order of the Day proceeded to Nominate a Person to represent this State in the Senate of the United States, when the Hon. Isaac Tichenor Esquire had a Majority of Votes. The Council then proceeded to [nominate a person] to fill the Vacancy in the Senate of the United States Occasioned by the Resignation of the Hon. Moses Robinson Esq<sup>r</sup> when the Hon. Nathaniel Chipman Esq<sup>r</sup> had a Majority of Votes; the Council then proceeded to the House with their Nominations made in manner aforesaid & when Compared with the Nominations of the House it appeared they Did not agree in the Last Nomination made for filling the Vacancy & the Joint Ballotts of both Houses being taken the Hon. Isaac Tichenor Esquire was Duly elected.<sup>2</sup>

A Petition from sundry of the Inhabitants from [of] the Towns of Pittsford, Brandon, Chittenden, and Philadelphia [part of Goshen and Chittenden,] praying that a Town may be sett off from the several Corners of said Towns and Incorporated by an act of the Legislature, being read and by the House Referred to Messrs. [Josiah] Fletcher, Jabez Foster, & Edson, to Join a Committee from Council, resolved that Mr. Chamberlain be appointed to Join said Committee.

Adjourned Untill 2 Oclock in the afternoon.

Met according to adjournment.

A Letter of resignation from the Hon. Joseph Marsh Esq<sup>r</sup> was read & Resolved that the same be Communicated to the House.<sup>3</sup>

Adjourned Untill 9 Oclock to Morrow Morning.

WEDNESDAY Oct. the 19 Day A. D. 1796.

Met according to adjournment.

An act protecting Daniel King from Civil Arrests During the Present Session having passed the House, Read & Concurred.

The Gov<sup>r</sup> & Council then proceeded to the House and Joined in Grand Committee for the Purpose of receiving the County Nominations.

Adjourned Untill 9 Oclock to Morrow Morning.

RUTLAND Thursday [Oct.] the 20 Day A. D. 1796.

Met according to adjournment.

The Petition of a Number of Persons praying for the exclusive right of a Turnpike road from Bennington to Willmington and for an act of

<sup>1</sup>The Governor and Council joined the House in the morning of this day, when Gov. Chittenden delivered his last speech to the General Assembly, for which see *Appendix C*.

<sup>2</sup>That is, Mr. Tichenor was elected for both the vacancy and the full term.

<sup>3</sup>See *Appendix C*.

Incorporation in their favour, Read and by the House referred to Messrs. Dewey, Z. Curtis, Burt, Gallup, & Osgood, to Join a Committee from the Council, Read & Resolved that Mr Galusha be appointed to Join said Committee.

An act Discharging Calvin Knoulton from the payment of a Certain Note therein mentioned having passed the House, Read and Concurred.

A Resolution of the Gov<sup>r</sup> & Council that the General Assembly be requested to Join in Grand Committee this forenoon for the purpose of filling the Vacancy Occasioned by the Resignation of the Hon. Isaac Tichenor Esq<sup>r</sup> as Chief Judge in the Supreme Court, [was ordered to be communicated to the House through the Secretary.<sup>1</sup>]

Adjourned Untill 2 Oclock in the afternoon.

Met according to adjournment,

The resolution of the House requesting his Excellency to Appoint the first Thursday of December next to be Observed as a Day of Public Thanksgiving and Praise throughout this State Read and approved of & Resolved that Mr Jacob and Robinson be appointed a Committee to make a Draft for a Proclamation.

The Petition of Gen<sup>l</sup> Roger Enos setting forth that he is now confined in Woodstock Goal upon a writ of execution in favour of this State for the sum of five hundred pounds against him & that he Does not owe more than one hundred Dollars in the New England States and not more than the same sum to this State which he cou'd have shown had he had Sufficient Opportunity at the time of Trial to have shown it but being out of this State at that time Judgment passed against him for the full sum aforesaid, therefore prays Le may be Liberated from his Confinement for the space of one year that he may show to the Treasurer of this State that he Does not owe more than one hundred Dollars Instead of five hundred pounds, Read and by the House Referred to Messrs. Dewey, Linsley, & Spafford, to Join a Committee from the Council, Resolved that Mr White be appointed to Join said Committee.

An act for paying Samuel Walker Twenty six pounds eighteen shillings having passed the House, Read & Concurred.

An act establishing a Jurisdictional Line between Salisbury and Leicester having passed the House, Read and Concurred.

The Petition of the Inhabitants of Marlborough setting forth that the Legislature of this State at their October Session in the year A. D. 1794 passed an act Declaring all the Lands heretofore granted to the Society for the Propagation of the Gospel in foreign parts to be the property of this State and Did at the same time Appropriate the same to the use of the several Towns where the Lands Lie for their Schools, and there being no such Lands in said Marlboro' but there being a small Gore of Land between said Marlboro' and Newfane to the amount of about Eight hundred Acres of Land Ungranted, therefore the Petitioners pray for a grant of said Land For the use and benefitt of a School or Schools in said Marlboro; Read & by the House referred to the Committee appointed on Timothy Morsman & others Petition, Resolved that it be referred accordingly.

Gen<sup>l</sup> Philip Schuyler's Letter as President of the Directors of the Western Company [Northern Inland Lock Navigation Company,] to

<sup>1</sup> For the letter of Mr. Tichenor, accepting the Senatorship and resigning as Chief Justice, see *Appendix C*.

The two Houses subsequently met in Grand Committee and elected Nathaniel Chipman Chief Justice of the Supreme Court, vice Tichenor resigned.

His Excellency the Gov<sup>r</sup> Soliciting the Aid of this State in the Internal Lock Navigation from Skeensborough [Whitehall, N. Y.,] to Hudson's River being Officially Communicated to the General Assembly, Read and Referred to Mr. Dewey, Lyon, Gallup, Arms, Thompson, Farrand, & Sheldon, to Join a Committee from Council, Resolved that Messrs. Knoulton & Strong Join said Committee.'

An act empowering Joel Linsley & Jeremiah Bingham to Deed Land in a Certain case therein mentioned, Read & Concurred with proposals of Amendment.

The Petition of North & South Heroes, Alburgh, & Isle Mott, praying that They may be sett off into a New County, Read & by the House referred to Messrs. Sol. Wright, Fisher, Chauncey Smith, [Flynn,] Eben<sup>r</sup> Wheelock, & Porter, to Join a Committee from Council &c. Resolved that Messrs. Robinson & Williams be appointed to Join said Committee.

Adjourned Until 9 Oclock to morrow Morning.

FRIDAY Oct. the 20 A. D. 1796.

Met according to adjournment.

The Petition of a Number of the Inhabitants of the Town of Cavin-dish praying for an appeal [repeal] of the Act of Incorporation of the Academy in said Cavidish, with a Remonstrance against the Petition, being read and by the House referred to Messrs. Lyon, Stanton, Z. Curtis, Hathaway, & Sias, Resolved that Mr. Safford be appointed to Join said Committee.

The Hon<sup>ble</sup> Judges of the Supreme Court appeared in Council & took their several Oaths of Office respectively.

Adjourned Untill 2 Oclock in the afternoon.

Met according to adjournment.

The request from the General Assembly to his Excellency the Gov<sup>r</sup> that he would not Issue his warrants for an election of a Member to Congress &c. being taken up, Resolved that his Excellency postpone Issuing his Warrants accordingly.

Adjourned Untill 9 Oclock to Morrow Morning.

SATURDAY Oct. the 22 Day A. D. 1796.

Met according to adjournment.

A resolution from the House appointing a Committee to Join such Committee as the Council shall please to Appoint to Revise the acts relative to the Disposition of Monies raised by Land Taxes for the Purpose of making & repairing roads & Building bridges &c. Read and by the House referred to Messrs. Gallup, Allis, & Whitney, Resolved that Mr. Jacob be appointed to Join said Committee.

An act annexing the Town of Craftsbury to the County of Caledonia having passed the House, Read & Concurred.

An act granting a Tax on Middlesex & Moretown having passed the House, Read and Ordered to Lye.

The Petition of Abner Miles of Putney in the County of Windham praying for a New trial in a Cause Decided against him in the Supreme Court in favour of Isaac Bard in an action of Ejectment, or grant him releif in some other way in said Cause, being read and by the House referred to Messrs. Chittenden, Joshua Chamberlain, and Royce, to Join

<sup>1</sup> See *Appendix D.*

a Committee of Council &c. Resolved that Judge White and Williams be appointed to Join said Committee.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to Adjournment.

A Letter of Resignation from Maj<sup>r</sup> Thomas Craige of Westminster to his Excellency the Gov<sup>r</sup> was Read and accepted and Answer ordered to be made out accordingly.

An act suspending all Civil prosecutions against Abia Colburn of Hartford in the County of Windsor for the Term of one whole year with the Petition for that purpose there unto annexed having passed the House, Read and Ordered to Lye.

The Petition of Elkanah Stevens and others praying to have the exclusive privilege of Locking White River &c. being read and by the House referred to Messrs. [Benjamin] Tupper, [Timothy] Castle, [Timothy] Miller, John Foster, [Edmund] Grandy, [Jonathan] Lewis, & [Timothy] Holibut [Holabird,] to Join a Committee from Council, Resolved that Judge Robinson be appointed to Join said Committee.

The Petition of William Baxter praying for a New trial in the Cause James Strong & Eddy Coy against him in the County Court within & for the County of Windsor being read and by the House referred to the same Committee that it appointed on Abner Miles<sup>r</sup> Petition, Resolved that Messrs. White and Williams be appointed to Join said Committee.

An act in addition to and Repealing a part of an act for Dividing this State into Districts and pointing out the Mode of Choosing Representatives to represent this State in Congress having passed the House, Read and Ordered to Lye Untill Monday Morning next.

The Consideration of the act suspending all civil suits, actions, &c. against Abia Colburn being again reassumed was Concurred.

Adjourned Untill Monday Morning next 9 Oclock A. M.

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MONDAY Oct. the 24 Day A. D. 1796.

Met according to adjournment.

The Act in Addition to an Act granting a Tax on Middlesex & Moretown having passed the House, Read & Concurred.

The Petition of George Reab praying for a New trial in his Cause against Abel Stevens in the County Court for the County of Bennington being Read and by the House Referred to the Committee appointed on the Petition of Abner Miles<sup>r</sup> &c. Resolved to Join accordingly.

The Petition of Royal Crafts of Rutland praying to have the exclusive [right] of making and having a Turnpike Road from Finney<sup>r</sup> Tavern in Shrewsbury to and over a Bridge which is erected across Black water River in Ludlow under such regulations and Restrictions as the Legislature shall Direct &c. being Read and by the House referred to the Committee Appointed on Samuel Saffords & others [petition] &c. Resolved accordingly.

An Act Allowing Constant Brown fifty Dollars &c. having passed the House, Read and Concurred.

An Act empowering Jeremiah Bingham & Ebenezer Hulburt to sell all the real Estate of Hiland Hall Esq<sup>r</sup> &c. having passed the House, Read and Concurred.

The Petition of Oliver Gallup & others praying for all the Avails of the Connecticut River Lottery which remains not expended for the purpose of Appropriating the same on the Post Road on the West side of Connecticut River &c. being read and by the House Referred to the Lottery Committee, Resolved to Join accordingly.

The Petition of Elijah Bennet praying the Assistance of the Legislature of this State to Help him to Arrears of Pensions previous to his being put upon the Pension List &c. in Consequence of his being wounded in the service of the United States &c. having been read and by the House referred to the Committee appointed on the Petition of W<sup>m</sup> Hazletine, resolved to Join accordingly.

The Petition of the Selectmen of Manchester praying for the grant of a Lottery for the Purpose of Making & repairing a Road across the Mountain from Manchester to Chester &c. being read and by the House referred to the Lottery Committee. Resolved to Join accordingly.

An act Levying a Tax Upon the County of Addison having passed the House, read & Concurred with proposals of Amendment.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

An Act granting a Tax of one penny half penny per acre on the Township of Kingston [Granville] for the Purpose of Making & Repairing roads & Building Bridges in said Town, having passed the House &c. Read and Concurred.

An Amendment being proposed to the Act Levying a Tax Upon the County of Addison by the General Assembly, Read and Concurred.

Maj. Ebenzer Allen Esq<sup>r</sup> has made Application to his excellency the Gov<sup>r</sup> for a Dismission from the first regiment in the third Brigade of the Militia of this State. Read and Accepted.

The act in alteration of an act & repealing a part of said act entitled an act Dividing this State into Districts for electing Representatives to Congress &c. being reassumed & taken under Consideration agreeable to the Order of the Day, Voted not to Concur.

Adjourned Untill 9 Oclock to Morrow Morning.

**TUESDAY Oct. the 25 Day A. D. 1796.**

Met according to Adjournment.

An act annexing part of the Town of Cornwall to the Town of Middlebury having passed the House, read and Concurred.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to Adjournment.

Adjourned Untill 9 Oclock to Morrow Morning.

**WEDNESDAY Oct. the 26 Day A. D. 1796.**

Met according to Adjournment.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to Adjournment.

The Act in Alteration of an Act & in Addition to said act entitled an Act Dividing this State into Districts for the purpose of Electing Representatives to Congress &c. having passed the House was again reassumed & Concurred with proposals of Amendment.

Adjourned Untill 9 Oclock to Morrow Morning.

**RUTLAND Thursday Oct. the 27 Day A. D. 1796.**

Met according to Adjournment.

An act to suspend prosecutions & suits on Civil Contracts against Edward Fullington &c. having passed the House, read and Concurred with proposals of amendment.

An act to Direct the County Court in the County of Rutland to enter the action John Partridge against Robert Knoulton anew &c. having passed the House, Read & Concurred.

An Address from the House to the President of the United States requesting the Concurrence of the Gov<sup>r</sup> & Council, Read & Resolved to Concur accordingly.<sup>1</sup>

A Draft for a Proclamation [for a day of thanksgiving] was read & approved of and Ordered to be printed &c.

An Act Laying a Tax on Windham County, &c. having passed the House, Read and Concurred.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

Resolved that the second Wednesday of April next be Observed as a Day of Fasting & prayer throughout this State.

Adjourned Untill 9 Oclock to Morrow Morning.

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FRIDAY Oct. the 28 Day A. D. 1796.

Met according to adjournment.

His Honor Judge Knoulton moved for Leave of Absence During the remainder of the Session, which was granted.

A Petition from John Holbrook, Sam<sup>l</sup>. Dickinson, & Lemuel Whitney, praying for the exclusive priviledge of running a stage from Brattleborough to Hannover in the most Direct route as it passes thro' this State, Read and by the House referred to Messrs. Z. Curtis, Barron, & Josiah Arms, to join a Committee from Council &c. Resolved that [Lieut.] Gov<sup>r</sup>. Brigham Join said Committee.

A Petition for a New Town to be made out of a part of Tinmouth, Danby, Pawlett, & Wells &c. being read and by the House referred to Messrs. Baker, Fisher, C. Smith, Perkins, Whitman, Crafts, & Jesse Arms to Join a Committee From Council, resolved that Judge Olin be appointed to Join said Committee.

The Petition of the Proprietors of Salem by their Agent James White-law, praying to be reimbursed for Monies paid into the Treasury for their grant, which Does not hold out Measure as bounded by their Charter, Read and by the House referred to Messrs. Barron, Peckham, Marsh, Flyn, Case, Henry and Bradley, to Join a Committee from Council, Resolved that Messrs. Robinson & Chamberlain be appointed to Join said Committee.

Adjourned Untill 2 Oclock in the afternoon.

Met according to adjournment.

A Resolution from the House appointing a Committee to Join a Committee from Council to confer with the Surveyor General respecting some Unlocated Lands North of the Line of this State & adjoining the Province of Canada & that the same be granted to William Coit for one shilling per acre, which Tract is supposed to Contain 23,040 Acres, Members Chosen Messrs. Dewey, Spencer, Perry, Painter, Farrand, Sheldon, & Burt, Resolved that Judge Marvin and White be appointed to Join said Committee.<sup>2</sup>

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<sup>1</sup> See *Appendix H*.

<sup>2</sup> William Coit, of Burlington represented to the General Assembly that he had examined the supposed north line of the State, and had conferred "with Mr. Collier [Collins,] then late deputy surveyor of the province of Canada, who made said line," and found the line verging so



An act Directing the Clerk of Windsor County Court to enter a Certain action on the Docquet of said Court &c. having passed the House, Read and Concurred.

An act granting a suspension of prosecution against Daniel King &c. having passed the House, read & Concurred.

An act in addition to an act entitled an act to enable the Landowners of the Town of Fairlee &c. having passed the House, read and Concurred.

An act to erect a part of Fairlee in the County of Orange into a separate Parish &c. having passed the House, Read and Concurred.

The Proprietors of Pittsfield prayer for Compensation &c. being read & by the House referred to the Committee appointed on James White-

far south of the forty-fifth degree of north latitude as to embrace within Canada lands really belonging to Vermont, in quantity as above set forth. The committee heard Mr. Coit, and, after consulting Surveyor General Whitelaw, reported that they could not ascertain that there was any vacant land, as alleged in the resolution, and that it was "not eligible for the legislature at present to take any measures respecting the same"; whereupon the House ordered the resolution to be withdrawn.—See printed *Assembly Journal* for 1796, pp. 113, 114, 133. By the treaty of Washington of 1842, on boundaries, the line run by "Collins and Valentine previous to 1774" was agreed upon as the boundary line, and commissioners were provided for to mark the line. The joint report of these commissioners, made April 20 1848, says:

The line of Valentine and Collins was explored and found by the blazes still remaining in the original forest. Upon cutting into those blazes, it was seen, that, deep seated in the tree, there was a scar; the surface of the original blaze slightly decayed; and, upon counting the rings, (which indicate each year's growth of the tree,) it was found that the blazes dated back to 1772-'3 and '4. The line of Valentine and Collins was run in 1771-'2-'3, and '4. The coincidence of the dates of the blazes with those of the above line, confirmed by the testimony of the people of the country, satisfied the undersigned that the line they had found was that mentioned in the treaty. Along this portion of the boundary, which is known as the 45th° of Valentine and Collins, and which extends from Hall's stream, [north-east corner of Canaan,] to St. Regis, there are several interruptions to the blazes, in those parts where clearings have been made; and there the authentic marks of the precise situation of the old line have been lost. In those cases, the undersigned have drawn the boundary line straight from the original blazes on the one side of a clearing to the original blazes on the other side of the same clearing. It cannot be positively stated that the line, as it has been traced through those clearings, precisely coincides with the old line; but the undersigned believe that it does not differ materially from it; nor have they had the means of determining a nearer or a surer approximation. \* \* \* The boundary along the west line, though very far from being a straight line, is generally about half a mile north of the true parallel of latitude 45°, from Hall's stream to Rouse's Point.—*Executive Document No. 71, 30th Congress, 1st Session*, pp. 71, 72.

It thus appears that all the maps, which give the northern boundary of Vermont on or below the parallel of latitude 45°, are erroneous.

law's Petition as agent for the proprietors of Salem, Resolved to Join accordingly.

The Hon. Samuel Mattocks Esquire as Principal & the Hon<sup>ble</sup> Nathaniel Chipman and John Strong Esquires as sureties appeared in Council & Acknowledged themselves Jointly and severally holden to the Secretary of State in the penal sum of ten Thousand pounds to be Levied of their goods, Chattels or Estate; & for want thereof upon their Bodies, if Default of performance be made in the following Conditions Viz. that if the said Samuel Mattocks Esquire shall well & Truly execute the Office of a Treasurer within and for the State of Vermont for the year ensuing so that neither the Public or any Individual suffers thereby, then the above said Bond of Recognizance to be Void, otherwise to be in full force & Virtue.

Attest,

TRUMAN SQUIER, Secy.

Adjourned Untill 9 Oclock to Morrow Morning.

SATURDAY Oct. the 29 Day A. D. 1796.

Met according to adjournment.

Judge Safford is appointed upon the Petition from the Islands praying to be made into a New County Instead of Judge Robinson.

The act suspending all civil prosecutions against Edward Fullington being returned with the General Assembly's Nonconcurrence to the proposals of amendment made by the Council by Mr. Wright their Messenger to assign their reasons; after attending to the reasons assigned, Voted not to recede & that the Bill be sent back to the House by a Member to assign the reasons for the proposed amendment. Resolved that Mr. Jacob be appointed to return the s<sup>d</sup> act.

Adjourned Untill 2 Oclock in the afternoon.

Met according to adjournment.

An act repealing an act entitled an act to annex part of the Township of Newhaven to the City of Vergennes &c. having passed the House, Read and Ordered to Lye.

Adjourned Untill 9 Oclock Monday Morning next.

MONDAY Oct. the 31 Day A. D. 1796.

Met according to adjournment.

The act repealing an act for annexing part of the Township of Newhaven to the City of Vergennes &c. being again [taken up,] read and Concurred with proposals of Amendment.

An act Directing the Treasurer to Credit the Town of Hinsdale [Vernon] a Certain Sum &c. having passed the House, read & Concurred.

An act Directing the Treasurer to pay the Selectmen of Dummerston £13: 2: 6 having passed the House, read & Concurred.

An act to recover Damages in Cases where sheep are killed or wounded by Dogs &c. having passed the House, Read and Concurred.

An act Dividing the Counties of Orange, Caledonia & Essex &c. into Probate Districts, &c. having passed the House, Read & Concurred with proposals of Amendment.

A Bill brought in by Judge White for the purpose of forming the North hero, Isle la Mot, Alburgh & the Adjacent Islands into a probate District, Read and by the Council resolved that the same be sent to the General Assembly to be passed into a Law of this State.

Adjourned Untill 9 Oclock to Morrow Morning.

TUESDAY November the 1 Day A. D. 1796.

Met according to adjournment.

A Resolution from the House Appointing a Committee of five persons to Consist of the Judges of Probate if there be so many in the House to Join a Committee from Council to take under Consideration an act for the settlement of Testate and Intestate estates & Report amendments if they Judge Necessary. Members Chosen Messrs. Bridgman. Perry, Farrand, Sias, & Marsh, Resolved that Judge Robinson & Strong be appointed to Join said Committee.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

An act regulating the Disposition of monies raised by Tax on Lands in the several Towns &c. having passed the House, Read & Concurred with proposals of Amendment.

An act appointing an Attorney General &c. having passed the House, Read and Concurred with proposals of Amendment.

The above act regulating the Disposition of Monies raised by Tax on Lands &c. returned Concurred in by the House in all the amendments except the one to the fourth Section, Resolved to Recede from said proposal &c.

Adjourned Untill 9 Oclock to Morrow Morning.

WEDNESDAY Nov. the 2 Day A. D. 1796.

Met according to adjournment.

A Resolution from the House Appointing a Committee to Join a Committee from Council to take into Consideration the expediency of an adjourned Session of the Legislature & make report there on, Members Chosen Messrs. S. Wright, Campbel, Lyon, Gallup, Marsh, Edson, & Stanton, Resolved that [Lieut.] Gov<sup>r</sup>. Brigham & Judge Olin be Appointed to Join said Committee.

The Report of the Committee Upon the Petition of the proprietors of Salem and the Resolution of the General Assembly thereon being read, Resolved that the same be recommitted.

An Act Constituting and establishing the Persons therein named as a Company of Artillery &c. having passed the House, Read and Concurred with proposals of Amendment.

An Act empowering the Administrators of the Estate of Paul Davison Late of Hartland Deceased &c. having passed the House, Read and Concurred.

The Committee appointed upon the Petition of the proprietors of Salem &c. having requested to be excused and others to be appointed in their stead, therefore Resolved that Judge Williams & White be appointed in their stead.

Adjourned Untill 2 Oclock in the afternoon.

Met according to adjournment.

An Act Adopting the Constitution of this State as the supreme Law of the Land, [and describing those persons entitled to the privileges of law and justice,] having passed the House, Read and Concurred.<sup>1</sup>

Adjourned Untill 9 Oclock Tommorrow Morning.

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<sup>1</sup> The acts of 1779, 1782, and 1787, adopted the constitution simply as a part of the laws of the State, but the above act conferred upon that instrument the higher dignity to which it was and is entitled, to wit, "as the *supreme* law of the State."—See printed *Laws of Vermont*, 1796, p. 3.

THURSDAY Nov. the 3 Day A. D. 1796.

Met according to adjournment.

An act to raise a Tax on the County of Windsor &c. having passed the House, Read and Concurred.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

The resolution of the House informing the Gov<sup>r</sup> & Council that they have Concurred in the proposed Amendment to the act entitled an act Directing the mode of Appointing an Attorney General & State's Attorneys &c. & their request to Join in Grand Committee at the Opening of the House This morning to elect an Attorney General &c. which being read & Considered, Resolved that the request is premature & that no Attorney General is to be elected by s'd act Untill next October Session of the Legislature.

An act granting a New Trial to Abner Miles &c. having passed the House, Read and Concurred with proposals of Amendment.

The act constituting and establishing the Persons therein named as a Company of Artillery &c. being returned from the House with their nonconcurrence to the proposal of amendment, [Resolved to rescind from the within proposal of amendment.]<sup>1</sup>

His Hon. Judge Strong moved for Leave of Absence During the remainder of the Session, which was Granted.

Adjourned Untill 9 Oclock to Morrow Morning.

RUTLAND Friday Nov. the 4 Day A. D. 1796.

Met according to adjournment.

A Resolution from the House requesting the Gov<sup>r</sup> & Council to Join in Grand Committee for the Purpose of Choosing Electors to Elect the President & Vice President of the United States, Read & Resolved to Join accordingly.

A Resolution from the House Appointing a Committee consisting of three persons to Join such Committee as the Council shall appoint for the purpose of reporting a Bill to the House Directing the mode of Delivering up Fugitives who have been Guilty of Offences in the Province of Canada &c. & have fled into this State &c. Members Chosen Messrs. Farrand, Marsh, & Lyon, Resolved that Mr Jacob be appointed to Join said Committee.<sup>2</sup>

The Gov<sup>r</sup> & Council then proceeded to the House to Join in Grand Committee for the Purpose of Choosing Electors, &c. & when the Ballots of both Houses were Duly taken the following Gentlemen appeared to be elected by a majority of Votes Viz. Messrs. Elijah Dewey, Elisha Sheldon, John Bridgman, & Oliver Gallup.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

An act empowering the proprietors of Newhaven to Lay a Tax & Pitch their Undivided Lands &c. having passed the House, Read and Concurred with proposal of Amendment.

An act for the releif of Gen<sup>l</sup> Roger Enos &c. having passed the House, Read & Concurred.

An act granting a Tax of one penny on the pound on the County of Orange &c. having passed the House, read and Concurred with a proposal of Amendment.

<sup>1</sup> Printed *Assembly Journal*, Nov. 4, 1796.

<sup>2</sup> See *Appendix G*.

An Act Adopting the Common & Statute Law of England having passed the House, read & Concurred with proposals of Amendment.  
Adjourned Untill 9 Oclock to Morrow Morning.

SATURDAY Nov. the 5 Day A. D. 1796.

Met according to adjournment.

An act granting to Enoch Hall the right of Keeping a Ferry &c. having passed the House &c. Read and Concurred.

An act in addition to Isle la Mott Land Tax &c. having passed the House, read and Concurred.

An act granting a Suspension of prosecutions against Thomas Butterfield &c. having passed the House, read and Concurred with proposals of Amendment.

An act empowering the Proprietors of Newhaven in Addison County to Pitch the Undivided Lands in said Town &c. having passed the House, read and Concurred with a proposal of Amendment.

An act granting to Reuben E. Taylor [of Alburgh the exclusive right] to Keep a Ferry &c. having passed the House, Read and Concurred.

An act Directing the Treasurer to pay the Selectmen of Stockbridge the sum of ten pounds ten shillings Lawful money for Keeping a Ferry &c. having passed the House, Read & Concurred.

An act Incorporating Certain Persons therein mentioned a Society by the name of Bradford Social Library Society having passed the House, Read and Concurred with proposals of amendment.

An act granting a Suspension of all Civil prosecutions against Daniel Cross &c. having passed the House, Read and Concurred.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

An act Directing the Treasurer of this State to pay the several sums of money therein mentioned &c. having passed the House, Read and Concurred with a Proposal of amendment.

An act for Notifying Creditors on application [of debtors] for acts of suspension &c. having passed the Council, Ordered to be sent to the House for their Revision, Concurrence, and proposals of amendment &c.

A Resolution from the House advising the Gov<sup>r</sup> respecting Lord Dorchester<sup>s</sup> Request read & Concurred.<sup>1</sup>

A Charter was made out in favour of Jonathan Parker Jun. Esq<sup>r</sup> & Laid before the Gov<sup>r</sup> for his Signature & agreeable to the Resolution of the Council it was Duly executed.

Adjourned Untill 9 Oclock Monday Morning next.

RUTLAND Monday Nov. the 7 A. D. 1796.

Met according to adjournment.

An act empowering Gideon D. Cobb & Ebenezer Cobb Administrators to Deed Lands &c. having passed the House, Read and Concurred.

An act regulating the pay of the Council & General Assembly for the year A. D. 1796, Read and Concurred with proposals of amendment.

A Resolution from the House appointing a Committee consisting of one member from each County to Join such Committee as the Council shall appoint to make a Distribution of the hard money in the Treasury & ascertain what sum each Member of both Houses shall receive in [hard money and] hard money Orders &c. Read and Concurred with propo-

<sup>1</sup> See Appendix G.

sals of amendment &c. & the House agreeing to the proposed amendment made by the Council & the same has passed into a Law of this State.<sup>1</sup>

A Resolution from the House Appointing a Committee of three to Join a Committee of Council To report an act of appropriation for the year ensuing being read, Resolved that Mr. Jacob Join said Committee.

An act enabling Towns to Tax themselves &c. having passed the House Read & Concurred with proposals of amendment.

Adjourned Untill [2] Oclock in the afternoon.

Met according to adjournment.

An act granting a Tax of 2<sup>d</sup> on each acre of Land in the Township of Ferrisburgh &c. having passed the House, read & Concurred.

An act assessing a Tax of one penny on each acre of Land in Georgia and 2<sup>d</sup> on each acre of Land in S<sup>n</sup>. Albans &c. having passed the House, Read & Concurred.

An act assessing a Tax of 2<sup>d</sup> on each acre of Land in the Town of Hinesburgh having passed the House, Read and Concurred.

An act assessing a Tax of one penny per acre on the Lands in Sheffield &c. having passed the House, Read & Concurred.

An act assessing a Tax of one penny per acre on the Lands in Crafts-bury, &c. having passed the House, Read & Concurred.

An act assessing a Tax of Two pence on each acre of Land in the Town of Cambridge &c. having passed the House, Read and Concurred.

An act granting a Tax of one penny on each acre of Land in the Town of Underhill &c. having passed the House, Read and Concurred.

An act granting a half penny Tax on each acre of Land in the Town of Underhill [Roxbury] &c. having passed the House, Read & Concurred.

An act granting a Tax of Two pence on each acre of Land in the Town of Enosburgh &c. having passed the House, Read & Concurred with proposals of amendment.

An act granting a Tax of Two pence on each acre of Land in the Town of Woodford having passed the House, Read and Concurred with proposals of Amendment.

An act granting a Tax of Two pence on each acre of Land in the Town of Ferdinand &c. having passed the House, Read & Concurred with proposals of Amendment.

An act for granting a Lottery to raise Money to make a Road from Castleton to Middlebury &c. having passed the House, Read & Concurred.

An act granting a Lottery to raise four hundred Dollars for the Purpose of Building a Bridge over White River &c. [in Stockbridge,] having passed the House, Read and Concurred with proposals of amendment.

An act Directing the State's Attorney for the County of Rutland to pay to Titus Watson & Reuben Stevens the several sums therein mentioned having passed the House, Read & Concurred.

An act assessing a Tax of one penny on each acre of Land in the Town of Brownington &c. having passed the House, Read and Concurred.

An act Directing the Treasurer to pay to the Selectmen of the North hero £31 4 3 having passed the House, Read & Concurred.

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<sup>1</sup>The resolution provided simply for a distribution of funds to pay the debenture of the Governor, Council, and Assembly, and of their officers.

An act granting to David Maxfield the exclusive right of Keeping a Ferry from Georgia to Southhero &c. having passed the House, Read & Concurred.

An act Directing the Treasurer to pay the Selectmen of Londonderry Nineteen Dollars &c. having passed the House, Read and Concurred.

Adjourned Untill 9 Oclock to Morrow.

TUESDAY Nov. the 8 Day A. D. 1796.

Met according to adjournment.

An act granting a Suspension of prosecutions against Harding Williard &c. having passed the House, Read and Concurred.

An act granting a Tax of Two pence on the pound on the County of Chittenden &c. having passed the House, Read and Concurred.

An act granting Two pence on each acre of Land in the Town of Duncansborough [Newport] &c. having passed the House, Read and Concurred.

An act Laying a Tax of one cent and a half on each acre of Land in the Town of Lunenburgh &c. having passed the House, Read & Concurred.

An act granting Two pence on each acre of Land in Huntsburgh [Franklin] &c. having passed the House, Read & Concurred.

Mr Isachar Reed presented his bill for the use of his Chamber, Firewood, & Candles for the Gov<sup>r</sup> & Council During the present Session which was £3: 12: 0—Read and approved of.

An act empowering Grove Moore Esq<sup>r</sup> & Fanny Baker to sell all the real estate of Pemberton Baker Deceased having passed the House, Read & Concurred with proposals of Amendment.

An Act Directing the Treasurer of the State to Credit the Town of Vershire the sum of £2: 12: 2 having passed the House, read & Concurred.

The Council have rescinded [receded] from the proposal of amendment to the Bill Directing the Treasurer to pay the Clerks the several sums therein mentioned &c. & have Concurred in s<sup>d</sup> Bill.

An act assessing a Tax of one penny per acre on the Lands in the Town of Whitingham &c. &c. having passed the House, Read and Concurred.

An act Directing the Treasurer to Credit the Towns of Monkton and Fairhaven certain sums as therein mentioned, having passed the House, Read & Concurred.

An act granting a Tax of one penny per Acre on all the Lands in the town of Saltash [Plymouth,] having passed the House, Read and Concurred.

An act granting a Tax of one penny on each acre of Land in the Town of Marshfield &c. having passed the House, Read and Concurred.

An act granting relief to James Greenlief & Udney Hay &c. having passed the House, Read and Concurred.

An act to Rectify the Errors committed in the Records of the Proprietors of the Town of Underhill &c. having passed the House, Read & Concurred.

An act appointing a new Committee & Collector in the Town of Johnson &c. having passed the House, Read and Concurred.

An act granting a Lottery to raise 500 Dollars for the Purpose of making a Road over the Mountain &c. having passed the House, Read & Concurred with proposals of amendment.

Adjourned Untill 2 Oclock in the afternoon.

Met according to adjournment.

An act assessing a Tax of 4 Cents on the pound Upon all the Polls & Rateable estate Included in the Grand List for the year ensuing &c. having passed the House, Read & Concurred.

An act making Appropriations for the year ensuing &c. having passed the House, Read and Concurred in the proposals of amendment.

Information is Given by the Clerk of the House that the Law repealing an act making Rutland & Windsor the Temporary seats of the Government &c. is repealed—[repassed by the House, notwithstanding the objection of the Governor and Council.]

The act making the Appropriations came from the House and the Council Rescinded [receded] from their proposals of amendment & made a new proposal of amendment that M<sup>r</sup>. Tollman [the engrossing Clerk] be allowed 2 Dollars [for firewood, candles.] &c.

An act Organizing the Counties of Franklin & Caledonia having passed the House, Read & Concurred.

An act Directing the Treasurer to pay Joel Hambleton [Hamilton] the sum therein mentioned &c. having passed the House, Read and Concurred.

An act Authorizing the Judge of Probate for the District of Caledonia to empower W. C. Arnold & James Whitelaw to Give Deeds &c. having passed the House, Read & Concurred.

An act granting a sum of money as therein mentioned to Stephen Clark &c. having passed the House, Read and Concurred.

An act granting relief to the several Town Clerks in the County of Chittenden having passed the House, Read & Concurred with proposals of amendment.

An act empowering the administrator to the Estate of Nathan Delano to Sell certain Lands &c. having passed the House, Read & Concurred.

An act granting a New Trial to Smith & Rowley [William Smith, Gideon Smith, and Aaron Rowley, of Panton.] &c. having passed the House, Read & Concurred.

An act appointing an additional Committee to the Committee already appointed for the Revision of the Laws &c. having passed the House, Read & Concurred.

An act Directing the Treasurer of the County of Chittenden to Receive of Aaron Rowley, Collector, certain orders [drawn on the treasury] &c. having passed the House, Read and Concurred.

An act granting a Tax of one penny on each acre of Land in the Town of Salem &c. having passed the House, Read & Concurred.

An act granting a Tax of 2<sup>d</sup> on each acre of Land in the Town of Swanton having passed the House, Read & Concurred.

Adjourned Until the second Tuesday of February next which will be in the year of our Lord A. D. 1797.

#### A DEBENTURE of COUNCIL for Rutland October Session A. D. 1796.

Their Honors the Lieut.

Governors

Jonathan Hunt

& Paul Brigham

and the Honorable

Samuel Safford

John Strong

Luke Knoulton

Ebenezer Marvin

Travel Miles.	L.S.D.	Days Att.	L.	S.	D.
80	2: 13: 4	1	0	18	9
50	1: 13: 4	27	29	8	1
60	2: 0: 0	27	11	16	3
48	1: 12: 0	22	8	19	3
63	2: 2: 0	16	6	4	0
120	4: 0: 0	27	11	16	3



Jonas Galusha	50	1: 13: 4	27	11	16	3
Gideon Olin	52	1: 14: 8	27	11	16	3
John White	90	3: 0: 0	27	11	16	3
Cornelius Lynde	50	1: 13: 4	27	11	16	3
Elijah Robinson	45	1: 10: 0	27	11	16	3
Samuel Williams			27	11	16	3
William Chamberlain &	100	3: 6: 8	27	11	16	3
Stephen Jacob Esquires <i>Councillors</i>	45	1: 10: 0	22	8	19	3
Truman Squier <i>Sec'y</i>	36	1: 4: 0	27	12	3	0
& Jonathan Bell <i>Sheriff</i>			27	10	2	6
	889	29: 2: 8	385	193	1	1

A True Debenture of Council &c.  
Attest,

TRUMAN SQUIER *Secr'y.*

## RECORD OF THE GOVERNOR AND COUNCIL

AT THE

ADJOURNED SESSION OF THE GENERAL ASSEMBLY AT  
RUTLAND, FEB. 1797.

RUTLAND, February the 14 Day A. D. 1797.

At a meeting of the Lieut. Gov<sup>r</sup> & Council Holden at Rutland by Adjournment on the 14 Day of February Anno Domini 1797. Present His Honor the Lieut. Governor Paul Brigham Esquire & the following Members of Hon<sup>ble</sup> Council to wit, John Strong, Luke Knoulton, Ebenezer Marvin, Jonas Galusha, Gideon Olin, Cornelius Lynde, John White, Elijah Robinson, Samuel Williams, W<sup>m</sup> Chamberlain, & Stephen Jacob. Esquires, *Councillors*. Truman Squier *Secr'y* & Jonathan Bell *Sheriff*.

The act Laying a Poast road from Vergennes to Burlington having passed the House. Read & Ordered to Lie.

The Act in Addition to an Act pointing out the Office and Duty of the Secretary of State, & the Act appointing new Managers to Connecticut River Lottery, having passed the House, read & Ordered to Lie.

Adjourned Untill 9 O'clock to Morrow Morning.

[WEDNESDAY, Feb. 15, 1797.]

Met according to adjournment.

A resolution from the House requesting the Lieut. Gov<sup>r</sup> & Council to meet in Grand Committee for the purpose of passing Paragraph by Paragraph the Laws of this State as revised by the Committee of Revision &c. Read & Resolved not to Concur.

<sup>1</sup> Lieut. Gov. Brigham presided over the Council at this session, Gov. Chittenden not attending.

A resolution of Council requesting the House to Join Immediately to Receive the Report of the Committee of Revision, Read & Concurred [Adopted.]

Gen<sup>l</sup> [William] Chamberlain Motioned to reconsider the Vote taken upon the Resolution of the House. Resolved to reconsider said Vote & to Concur.

The Act pointing out the Office and Duty of the Secretary of State was again taken up, Read and Resolved that Mr Jacob be Appointed to return said Act to the House and Assign the reasons for not acting upon it.

The Act regulating poor Debtors swearing out of Goal &c. having [passed] the House, read & resolved that Mr Lynde be Appointed to return said Act to the House and assign the reasons for not acting upon it.

Adjourned Untill 2 O'clock in the afternoon.

Met According to Adjournment.

The Lieut. Gov<sup>r</sup> & Council then proceeded to the House to join in Grand Committee Agreeable to the resolution taken in the forenoon.

Judge Safford arrived in Town & took his Seat in Council.

Adjourned Untill 9 Oclock to Morrow Morning.

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THURSDAY the 16<sup>th</sup> Day of February A. D. 1797.

Met According to Adjournment & then proceeded to the House to Join in Grand Committee for the Purpose of hearing the report of the Committee of Revision &c. according to their Resolution.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to Adjournment & adjourned Untill 9 Oclock to Morrow Morning & then proceeded to Join the House in Grand Committee to hear the Report &c.

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FRIDAY February the 17 Day A. D. 1797.

Met According to Adjournment.

Resolved that his Excellency the Gov<sup>r</sup> be requested to sign a Charter of an exclusive priviledge to Lemuel Bradley & others of Smelting & refining certain ores & minerals &c.

Judge Marvin moved for Leave of Absence Untill the Middle of next week, which was granted.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to Adjournment.

Adjourned Untill 9 Oclock to Morrow Morning & then proceeded to the House to Join in Grand Committee to hear the report of the Committee on Revision &c.

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SATURDAY February the 18 Day A. D. 1797.

Met according to adjournment.

An act appointing new Managers to the Connecticut River Lottery &c. having passed the House, Read & Concurred.

A Petition from the Inhabitants of Fairlee in the County of Orange praying to be Divided into Two Towns &c. being read and by the House referred to Mess<sup>rs</sup>. Burt, Painter, & Spencer. to Join a Committee from Council &c. Resolved that Judge Knoulton be Appointed to Join said Committee.

An Act appointing David Knowles a Committee man to superintend the expenditure of a Certain Tax in the Town of Westford Instead of Eliphalett Smith who has moved away &c. having passed the House, Read & Concurred.

In COUNCIL February the 18 Day A. D. 1797.

The Answer of the President of the United States to the Address of the Legislature of this State made at their Oct. Session last past Communicated by the Senators from Vermont being read, resolved that the same together with the said Address be entered at Large on the Journals of Council & that the Lieut. Gov<sup>m</sup> be requested to Communicate the said answer to the General Assembly.<sup>1</sup>

An act Laying a Poast road from Vergennes to Burlington &c. having passed the House, Read & Concurred.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

An act assessing a Tax of one penny on each acre of Land in Colchester &c. having passed the House, Read & Concurred.

An act assessing a Tax of 2<sup>d</sup> on each acre of Land in Burlington &c. having passed the House, read and Concurred.

An act assessing a Tax of one penny on each acre of Land in the Town of Stockbridge &c. having passed the House, read and Concurred.

An act assessing a Tax of one penny on each acre of Land in the Town of Barton having passed the House, Read and Concurred.

An act assessing a Tax of 3<sup>d</sup> on each acre of Land in the Town of Highgate &c. having passed the House, Read & Concurred with Proposals of Amendment Viz. that it be 2<sup>d</sup> instead of 3<sup>d</sup>.

An act assessing a Tax of one penny on each acre of Land in the Town of Shelburn &c. having passed the House, Read and Concurred.

An act assessing a Tax of one penny on each acre of Land in Charlotte &c. having passed the House, Read and Concurred.

An act assessing a Tax of one penny on each acre of Land on the Township of Pittsfield &c. having passed the House, Read and Concurred.

A Resolution from the House Appointing a Committee Consisting of three persons to Join such Committee as the Council shall please to Appoint to Confer with the Committee of Revision &c. Members Chosen Messrs. Burt, Farrand, & Davis, Resolved that Judge Galusha be appointed to Join said Committee.

A Resolution from the House requesting his Honor the Lieut. Gov<sup>m</sup> & Council to Join the General Assembly in Grand Committee at the opening of the House on Monday morning next, Resolved to Join accordingly.

An act authorising Theodora Young to sell all the real estate of Rodolphus Wheelock &c. having passed the House, Read & Concurred.

An act assessing a Tax of one penny on each acre of Land on the Township of Woodbury &c. having passed the House, Read and Concurred.

An act assessing a Tax of one penny half penny on each acre of Land in the Town of Littleton [Waterford,] &c. having passed the House, read & Concurred.

An act Authorizing the Selectmen of Townshend to Deed Land &c. having passed the House, read & Concurred.

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<sup>1</sup>The order, to enter the address and answer on the Journals of the Council, was not executed. For those documents See *Appendix H*.

An act granting a Tax of Twopence on each [acre] of Land on the Township of Jamaica &c. having passed the House, Read & Concurred.  
Adjourned Untill 9 O'clock Monday Morning next.

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[MONDAY] February the 20 Day A. D. 1797.

Met according to adjournment & adjourned Untill 2 O'clock in the afternoon. The Licut. Gov<sup>r</sup> & Council then proceeded to the House & Joined in Grand Committee according to their concurrent resolution with the House.

Met according to adjournment.

An act to enable Samuel Bellows of Charlestown [N. H.] to sell Certain Lands having [passed] the House &c. Read & Concurred.

Adjourned Untill 9 O'clock to Morrow Morning.

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TUESDAY February the 21 Day A. D. 1797.

Met according to Adjournment.

An act annexing part of the Town of Monkton to the Town of Starksboro' having passed the House, Read & Concurred.

An act Directing the mode of passing Laws &c. having [passed] the House, Read & Ordered to Lie for the present.

An act relating to Quakers and for other purposes mentioned &c. having passed the House, Read & Ordered to Lie &c.

An act to prevent the spreading of the Small Pox &c. having passed the House, Read and Ordered to Lie.

Adjourned Untill 2 O'clock in the Afternoon.

Met according to adjournment.

The act Directing the mode of passing Laws &c. being read again, Resolved to Concur.

An act Limiting the time of the County Offices therein mentioned &c. having passed the House, Read & Concurred.

An act empowering Benjamin Fassett to Sell the real estate of Henry Walbridge the second &c. having passed the House, Read and Concurred.

An act granting a Tax of three Cents on each acre of Land in the Town of Fairlee &c. having passed the House, Read and Concurred.

Adjourned Untill 9 O'clock to Morrow Morning.

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WEDNESDAY February the 22<sup>d</sup> A. D. 1797.

Met according to adjournment.

A Petition from Charles Bullis of Manchester praying to be reimbursed the sum of thirty-five pounds which he paid into the State Treasury for a peice of Land he bought of Jeremiah French & which Land he has since Lost by reason of the said French having no title to the same &c. being read [in the House] & referred to a Committee &c. to Join &c. Resolved that Judge Olin be appointed to Join said Committee.

An act to alter the name of Saltash to the name of Watertown &c. having passed the House, Read & Concurred with this proposal of amendment Viz. that the word *Plymouth* be Inserted Instead of Watertown in said act.

An act granting to Elkanah Stevens & others certain priviledges &c. having passed the House, Read & ordered that the same be returned to

the House by a Member & assigns [to assign] the reasons for postponing the Consideration of said act Untill next Session of the Legislature.

An act relating to Quakers and for other purposes therein mentioned having passed the House, read & Concurred.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

The Petition of John Holbrook, Samuel Dickinson, & Lemuel Whitney, praying for the exclusive privilage of running a Stage from Brattleboro' to Hanover [N. H.] thro' this State for Twelve years, prefered in Oct. Session Last past, being read and by the House referred to Messrs. Z. Curtis, Barron, & Jos. Arms to Join a Committee from the Council &c. Resolved that Judge White be appointed to Join said Committee.

The act for [preventing the] spreading of the Small Pox &c. having passed the House, read & Concurred with proposals of Amendment.

Adjourned Untill 9 Oclock to Morrow Morning.

THURSDAY, February the 23 A. D. 1797.

Met according to adjournment.

The House having Concurred to [in] the amendments proposed by the Council to the act entitled an act against spreading the Small Pox, the same has passed into a Law of this State.

The act relating to actions of account having passed the House, read & Concurred with proposals of amendment.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

The Gen<sup>l</sup> Assembly have sent their written Messuage to the Council to Inform them they have Concurred in their proposals of Amendment for Altering the Town of Saltash to Plymouth by name, & the same has passed into a Law.

The act Directing the mode of taking Inquisition on the Body of a person found Dead by Casualty [casualty] or Violence having passed the House, Read & Concurred with proposals of amendment.

The Gen<sup>l</sup> Assembly have sent their written Messuage to Inform the Council they have concurred in their proposals of amendment to the act relating to actions of account.

An act regulating Town Meetings & the Choice and Duty of Town Officers &c. having passed the House, read & ordered to Lie for further Consideration.

Adjourned Untill 9 O'clock to Morrow Morning.

FRIDAY February the 24 Day A. D. 1797.

Met according to Adjournment.

His Honor the Lieut. Gov<sup>r</sup> & Council then proceeded to the House to Join in Grand Committee agreeable to their Concurrent resolution & after returning to the Council Chamber The act Directing the mode of taking an Inquisition on the Body of a Person found Dead by Casualty or Violence, being returned with the nonconcurrence of the House to the proposals of amendment, by a member to assign the reasons therefor, Read & Resolved not to Rescind [recede] from said proposal of amendment & that the same be sent back to the House by a member from the Council to assign the reasons for said proposal of amendment, & M<sup>r</sup> Jacob was appointed the member for that purpose.

The act regulating Town Meetings is again taken up & being read was ordered to Lie Untill the afternoon.

Adjourned Untill 2 O'clock in the Afternoon.

Met according to adjournment.

The act regulating Town Meetings & the Choice & Duty of Town Officers being taken again under Consideration agreeable to the Order of the Day, Resolved to Concur with proposals of amendment.

A resolution from the House appointing a Committee of three to Join such Committee as the Council shall appoint to take under Consideration the several Militia Laws &c. Resolved that Judge Chamberlain be appointed to Join Said Committee.

Adjourned Untill 9 Oclock to Morrow Morning.

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**SATURDAY** February the 25 Day A. D. 1797.

Met according to adjournment.

Judge Lynde moved for Leave of Absence During the remainder of the Session, which was granted.

An act relating to Bastards & Bastardy &c. having passed the House, Read & Ordered to Lie.

The Petition of John Wood praying for a Lottery to make him good for what he Lost & spent in preventing a Massacre at Westminster in the year 1775 being read & by the House referred to Messrs. Spafford, Foster, & Barlow, to Join &c. Resolved that Judge Robinson be appointed to Join said Committee.

The act relating to Fences and Defining the Duty of fence viewers &c. having passed the House, Read and Concurred with proposals of amendment.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

An act Dividing the Town of Fairlee into Two Towns &c. having passed the House, Read and Concurred.

An act Dividing the State into Probate Districts & Describing the Lines & Boundaries thereof &c. having passed the House, Read and Concurred.

An act to prevent forcible entries & Detainers &c. having passed the House, Read and Concurred with proposals of amendment & sent to the House by a Member.

Adjourned Untill Monday Morning next at 9 Oclock.

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**RUTLAND** Monday February the 27<sup>th</sup> A. D. 1797.

Met according to adjournment.

The act relating to Bastards & Bastardy &c. being again taken up, Read & Concurred with proposals of amendment & the same was Ordered to be sent to the House by a Member.

Adjourned Untill 2 Oclock in the afternoon.

Met according to adjournment.

An act respecting Testate & Intestate Estates having passed the House &c. Read & Concurred.

An act regulating Marriage & Divorce &c. having passed the House, read & Concurred with proposals of amendment.

The Speaker of the House sent his written Message to Inform his Honor the Lieut. Gov<sup>r</sup> & Council that the Gen<sup>l</sup> Assembly have Concurred to [in] the proposed amendment to the act relating to Bastards & Bastardy.

The act regulating Town Meetings &c. being returned with the non-concurrence of the House to [in] the proposed amendments to the 21<sup>st</sup>,

22<sup>d</sup> & 23<sup>d</sup> Sections &c. with a member to assign the reasons &c. Resolved not to Rescind & that M<sup>r</sup>. Jacob be appointed a member to return the same [and] assign the reason of the Council<sup>'s</sup> adhearing [adhering] to their proposals &c.

The act to prevent forcible entry & detainer &c. being returned with the proposed amendments nonconcurrent, Read & Resolved to Rescind [recede] from the first proposal of amendment & to Adhere to the rest & that M<sup>r</sup>. Jacob be appointed a member to return the same & assign the reasons of the Council for adhearing &c.

An act relating to the marking & branding of Cattle, Sheep, & Hogs &c. having passed the House, Read & Concurred.

An act relating to Mills & Millers &c. having passed the House, Read & Concurred with proposals of amendment.

The act regulating Marriages and Divorce &c. being returned from the House with their nonconcurrence to the 1<sup>st</sup> & 2<sup>d</sup> proposals of amendment, Resolved to Rescind [recede] from the same &c.

The act relating to Fences & the Office & Duty of Fenceviewers &c. being returned nonconcurrent &c. Resolved to Rescind &c.

The Speaker has sent his written Message to his honor the Lieut. Gov<sup>r</sup> & Council to Inform them that they have Concurred &c. in the act [on] taking Inquisition on the bodies of Persons found Dead &c. & the act for [on] forcible entry & Detainer &c.

Adjourned Untill 9 Oclock to Morrow Morning.

#### TUESDAY the 28 Day of February A. D. 1797.

Met according to adjournment.

The Speaker has sent his written Message to his Honor the Lieut. Gov<sup>r</sup> & Council to Inform them that the Gen<sup>l</sup> Assembly have [concurrent] in the proposed amendments to the act regulating Town Meetings &c.

The act Defining the Powers of Justices of the Peace in this State &c. having passed the House, Read & Concurred with proposals of amendment.

Adjourned Untill 2 Oclock in the afternoon.

Met according to adjournment.

An act constituting the Supreme Court of Judicature and County Courts, Defining their powers & regulating Judicial proceedings &c. having passed the House, Read & Concurred with proposals of amendment.

The Speaker has sent his written Message to Inform his Honor the Lieut. Gov<sup>r</sup> & Council [that] the Gen<sup>l</sup> Assembly have Concurred to the proposed amendments to the act regulating Mills & Millers &c. & the same has passed into a Law of this State.

Adjourned Untill 9 Oclock to Morrow Morning.

#### WEDNESDAY the 1 Day of March A. D. 1797.

Met according to adjournment.

An act relating to Pounds, Estrays, & Lost Goods having passed the House, Read and Concurred with proposals of amendment.

An act empowering Rhoda Stevens to Deed a Certain peice of Land therein mentioned having passed the House, Read and Concurred.

An act assessing a Tax of 2 Cents on the Polls & Rateable Estate of the County of Windsor &c. having passed the House, Read & Concurred.

Adjourned Untill 2 Oclock in the afternoon.

Met according to adjournment.

An act Dividing this State into Counties & Describing their boundaries having passed the House, Read & Concurred.

An act in addition to an act Entitled an act granting to W<sup>m</sup>. Page, Lewis R. Morris &c. having passed the House, Read & Concurred with an amendment.

The Speaker has sent his written Message to Inform his Honor & the Council that the General Assembly have Concurred to the amendment proposed to the act in addition to & explanation of an act entitled an act Granting to W<sup>m</sup>. Page, Lewis R. Morris &c. & the same has passed into a Law of this State.

Adjourned Untill 9 Oclock to Morrow Morning.

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THURSDAY March the 2 Day A. D. 1797.

Met according to adjournment.

An act to inforce the Due Observation of the Sabbath &c. having passed the House, Read and Concurred with proposals of amendment.

An act for Relief of Ideots [relief of idiots] & Distracted persons &c. having passed the House, Read & Concurred.

An act Authorizing the Inhabitants of Towns & other Corporations to Maintain & Defend suits at Law &c. having passed the House, Read & Concurred.

The act regulating Judicial proceedings &c. again sent to the House with another amendment &c.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

The act to Enforce the Due Observation of the Sabbath &c. having passed the House, Read & Concurred with a proposal of amendment which came back nonconcurrent, & Resolved to Rescind, & made a further proposal of amendment.

Adjourned Untill 9 Oclock to Morrow Morning.

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FRIDAY March the 3 day A. D. 1797.

Met according to Adjournment.

An act Defining what shall be Deemed a Legal settlement & for the support of the Poor & the Duties of the Overseers of the Poor &c. having passed the House, Read & Concurred with a proposal of amendment.

An act for the Preservation of the Fish & Muskrats &c. having passed the House Read & Concurred.

An Act for the regulation of Ferries & Ferriages within this State &c. having passed the House, Read & Concurred.

An Act relating to the Office & Duty of the Secretary of State, &c. having passed the House, Read & Concurred.

An Act Appointing a Committee to Lay out & survey a Post road from Rutland to Vergennes &c. having passed the House, Read & Concurred.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to Adjournment.

An Act reducing into one the several acts for Laying out, making, repairing & Clearing Highways &c. having passed the House, Read & Concurred with proposals of Amendment.

Adjourned Untill 9 Oclock to morrow Morning.



BUTLAND Saturday March 4<sup>th</sup> Day A. D. 1797.

Met according to adjournment.

Judge Marvin moved for Leave of Absence During the remainder of the Session, which was granted.

The Act relating to Escheats &c. having passed & being Reconsidered, the House appointed a Committee to Join a Committee from Council, Members Chosen Mess<sup>rs</sup> Allis, Horton, & Jabez Foster, Resolved that Mess<sup>rs</sup> Jacob & Olin be appointed to Join said Committee to take under Consideration said Bill.

An Act to enable the Freemen of the Town of Athens & Brookline to Hold Freemen<sup>s</sup> Meetings &c. having passed the House. Read & Concurred.

An Act for the Punishment of Certain Capital & other high crimes & Misdemeanors &c. having passed the House, Read & then taken up Section by Section & Resolved that the same be referred to a Committee to make Amendments to said act.

Adjourned Untill 2 O'clock in the Afternoon.

Met according to adjournment.

An act regulating the Conveyances of real property &c. having passed the House; read & Concurred with proposals of amendment.

The Speaker has sent his written Message to Inform the Lieut. Gov<sup>r</sup> & Council that the General Assembly have concurred in the amendment proposed by the Council to the Last bill &c.

An act for the punishment of Certain Inferior Crimes & Misdemeanors &c. having passed the House, Read & Concurred with proposals of Amendment.

An Act more Effectually to prevent Trespasses in Divers Cases &c. having passed the House, Read & Concurred.

The Speaker of the House has sent his written Message to Inform his Honor the Lieut. Gov<sup>r</sup> & Council that the Gen<sup>l</sup> Assembly have Concurred in the proposed amendment to the Last bill [but one] above mentioned.

An Act Directing the Levying & Serving of Executions &c. having passed the House, &c. Read and Ordered to Lie Untill Monday Morning next at 9 O'clock A. M.

Gen<sup>l</sup> Strong moved for Leave of Absence During the remainder of the Session, which was Granted.

Adjourned Untill 9 O'clock Monday Morning next.

MONDAY March the 6<sup>th</sup> Day A. D. 1797.

Met according to adjournment.

An Act for the encouragement of the Destroying of Wolves & Panthers within this State having passed the House, Read & Concurred with proposals of Amendment.

An Act relating to fines, forfeitures, Penalties & Costs & Directing the taking of Recognizances in Certain Cases &c. having passed the House, Read & Concurred.

The Speaker has sent his written Message to Inform his Honor the Lieut. Gov<sup>r</sup> & Council that the Gen<sup>l</sup> Assembly have Concurred in the proposed amendments to the act regulating the Conveyances of real Estates and for the prevention of Frauds therein &c.

An Act relative to Petitions preferred to the General Assembly &c. having passed the House, Read & Concurred with a proposal of amendment.

An Act regulating the Office & Duty of Sheriffs, high Bailiffs, their respective Deputies, and Constables &c. having passed the House, Read & Concurred with proposals of Amendment.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to Adjournment.

An Act for a Land Tax of Two pence on each acre of Land in the Township of Milton &c. having passed the House, Read & Concurred.

The Act for Destroying Wolves &c. Returned with the amendments nonconcurrent in by the General Assembly, Read & Resolved to Rescind [recede] from the proposed amendments.

The Speaker of the House has by his written Message Informed his Honor the Lieut. Gov<sup>r</sup> & Council that the Gen<sup>l</sup> Assembly have Concurred in the proposed amendments to the Act regulating the Office & Duty of Sheriffs &c. & the act relative to Petitions being preferred to the General Assembly.

A Resolution from the House Appointing a Committee of five to Join a Committee from Council on the Petition of John Jay, John Cozine, & George Clinton; Members Chosen Mess<sup>rs</sup> Wait, Isaac Clark, Burt, Jabez Foster, & Whitney, Resolved that Judge Galusha and Robinson be appointed to Join said Committee.

The Act Directing the Levying & serving executions &c. having passed the House, Read & Concurred with proposals of amendment.

An Act in Addition to the Act Laying a Tax on Huntington &c. having passed the House, Read & Concurred.

An Act empowering Benjamin Swan & Moses Osgood both of Woodstock in the County of Windsor to Raise five hundred Dollars by Lottery &c. having passed the House, Read & Concurred with proposals of amendment.

Adjourned Untill 9 Oclock to Morrow Morning.

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TUESDAY March the 7 Day A. D. 1797.

Met according to adjournment.

An act appointing a Committee to Lay out a Post road from Onion River to the Province Line having passed the House, read & Concurred with proposals of amendment.

Adjourned Untill 2 Oclock in the afternoon.

Met according to adjournment.

An Act for the Distribution of the Laws, Journals & other public papers &c. having passed the House, read & Concurred.

An Act Constituting a Court of Chancery &c. having passed the House, Read & Concurred.

An Act Appointing Notaries Public & Declaring their Office & Duty &c. having passed the House, Read & Concurred.

The Speaker has by his written Message Informed His Honor the Lieut. Gov<sup>r</sup> & Council that the House have Concurred in the Amendment to the Act Directing the Levying & serving executions &c. & that the same has passed into a Law of this State.

Adjourned Untill 9 Oclock to Morrow Morning.

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[WEDNESDAY, March 8 1797.]

Met according to adjournment.

An act for the purpose of enabling a Committee therein appointed to Straiten, Lay out & Repair a Road from the South Line of Salisbury to Onion River Bridge &c. having passed the House, Read & Concurred.

An act relating to Debts and Taxes Due & payable to this State &c. having passed the House, Read & Concurred.

An act regulating weights & Measures &c. having passed the House, Read & Concurred.

An act Affixing the times & places for holding the several County Courts & the Supreme Court of Judicature & Chancery in the Several Counties in this State having passed the House &c. Read & Concurred.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

The act for the Punishment of Certain Capital and other high crimes and Misdemeanors &c. having passed the House, Read & Concurred with proposals of amendment.

The Speaker by his written Messuage has Informed his Honor the Lieut. Gov<sup>r</sup> and Council that the General Assembly have Concurred in the proposals of amendment to the act appointing a Committee to Lay out & Survey a Post road from Onion River to the Province Line &c.

Adjourned Untill 9 o'clock to Morrow Morning.

#### THURSDAY March the 9<sup>th</sup> Day A. D. 1797.

A Resolution from the House Appointing a Committee of three to Join a Committee from Council &c. Members Chosen Mess<sup>rs</sup> P. Wright, C. Smith, & Horton, resolved that Judge Knoulton be appointed to Join said Committee.

An act for the punishment of Certain Capital or other high crimes and misdemeanors &c. being returned with all the amendments Concurred in except the Amendments made to the 21<sup>st</sup> Section of this act, Resolved to Rescind [recede] from said amendments & to propose a further amendment to said Section.

An Act Relating to Goals & Goalers & the releif of the poor prisoners Confined therein &c. having passed the House, Read and Concurred with proposals of Amendment.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

An act Altering the Name of Littleton to Waterford &c. having passed the House, Read & Concurred.

An act establishing a District School of part of the Towns of Leicester & Salisbury having passed the House, Read & Concurred.

An act Directing the Treasurer to Credit the Town of Chester 12 Dollars & 21 Cents having passed the House, Read & Concurred.

An act enabling Eli Brownson to sell Certain Lands therein mentioned &c. having passed the House, Read & Concurred.

An Act granting to John Wood Esq. a Lottery to raise five hundred Dollars as a Compensation for his past services rendered this State &c. having passed the House, Read & Concurred with proposals of amendment.

An Act for making & Repairing a Road from Rutland to Salem [N. Y.] &c. having passed the House, Read & Concurred.

An Act to prevent the Destruction of the Deer &c. having passed the House, Read & Concurred.

The Speaker of the House has personally Informed his Honor the Lieut. Gov<sup>r</sup> & Council that the General Assembly have Concurred to the proposed amendments to the act for the punishment of Certain Capital Crimes &c. & also to the act regulating Goals & Goalers.

An Act establishing a Turnpike road & Gates from Shewsbury across the Mountain &c. having passed the House, Read & Concurred.

An Act granting to John Holbroock & others the Exclusive Privilege of running a Stage &c. having passed the House &c. Read & Concurred.

An Act Ascertaining the Principles on which the List of this State shall be made & Directing Listers in their Office & Duty &c. having passed the House, Read & Concurred with proposals of amendment.

An Act in favour of John Gove &c. having passed the House &c. Read & Concurred.

Adjourned Untill 9 Oclock to Morrow Morning.

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FRIDAY March the 10 Day A. D. 1797.

Met according to Adjournment.

An Act for paying the Legislature the present Session &c. having passed the House, Read & Concurred.

An Act Laying 3 Cents on each acre of Land &c. [in Fairlee, read and concurred; also the same tax on each acre of that part of Richmond formerly belonging to Williston.]

An amendment to the act regulating Testate & Intestate Estates having passed the House, Read & Concurred with proposals of amendment.

An Act for regulating and Governing the Militia of this State &c. having passed the House &c. Read & Concurred with proposals of amendment.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

An act appointing Timothy Mead Jun. to Collect a Land Tax on Land-grove & Brumley &c. having passed the House &c. Read & Concurred.

An act in addition to an act for Granting a Tax of one penny on each acre of Land upon the Township of Fayston &c. having passed the House, Read & Concurred.

An act appointing Jonas Brigham a Committec man &c. having passed the House, Read & Concurred.

An act Directing the Treasurer to receive a Certain Note or Order & pay the same to Paul Gates &c. having passed the House &c. Read & Concurred with an amendment.

An Act suspending the Operation of Certain acts therein mentioned and for other purposes &c. having passed the House &c. Read and Concurred with proposals of amendment.

The Debenture of the Council being made out & Read &c. Resolved that Mr. Jacob be Appointed to Apply to the Treasurer for the pay &c.

An act in addition to & Alteration of an Act entitled an act Empowering and Directing certain persons therein named to Lay out & survey a post road from Massachusetts Line to the North Line of Newbury &c. having passed the House, Read & Concurred.

An act making the Appropriations for the present year &c. having passed the House, Read & Concurred.

RUTLAND Friday March 10<sup>th</sup> Day A. D. 1797.

## A DEBENTURE OF COUNCIL &amp;c.

His Honor the Lieut. Gov <sup>nr</sup>	Miles Travel.	Dolls.	Cents.	Days Attend.	Dolls, Total.	Cents.
Paul Brigham Esquire & the Hon <sup>ble</sup>	50	5	55	25	105	55
Samuel Safford	60	6	66	25	48	66
John Strong	48	5	32	20	40	32
Luke Knoulton	63	7	0	25	50	75
Ebenezer Marvin	120	13	32	13	22	87
Jonas Galusha	50	5	55	25	49	30
Gideon Olin	52	5	78	25	49	53
John White	82	9	12	25	52	89
Cornelius Lynde	50	5	55	11	24	80
Elijah Robinson	45	5	0	25	48	75
Samuel Williams	0	0	0	25	43	75
William Chamberlain	100	11	11	25	55	75
& Stephen Jacob	45	5	0	25	48	75
<i>Esquires Councillors.</i>						
Truman Squier <i>Sec'y</i>	36	4	0	25	60	25
& Jonathan Bell, <i>Sheriff</i>	0	0	0	25	37	50
Mr. Isachar Reeds bill for his Chamber &c.					14	0
					753	& 42

A True Debenture of Council as was made up at the Rutland Adjourned Session of the Legislature, which said Debenture was paid over & Duly & Respectively Receipted as Appears from the Minutes.

Attest, TRUMAN SQUIER *Sec'y*.

# TWENTY-FIRST COUNCIL.

OCTOBER 1797 TO OCTOBER 1798.

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ISAAC TICHENOR, Bennington, *Governor*, from Oct. 16 1797.<sup>1</sup>

PAUL BRIGHAM, Norwich, *Lieut. Governor*.

*Councillors:*

SAMUEL SAFFORD, Bennington,  
JOHN STRONG, Addison,  
LUKE KNOULTON, Newfane,  
EBENEZER MARVIN, Franklin,  
JONAS GALUSHA, Shaftsbury,  
GIDEON OLIN, Shaftsbury,

JOHN WHITE, Georgia,  
CORNELIUS LYNDE, Williamstown,  
ELIJAH ROBINSON, Weathersfield,  
SAMUEL WILLIAMS, Rutland,  
WM. CHAMBERLAIN, Peacham,  
STEPHEN JACOB, Windsor.

TRUMAN SQUIER, Manchester, *Secretary*.

LUCIUS HUBBARD, Ludlow, *Sheriff*.

The members of Council are the same as for the preceding year.

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<sup>1</sup> For biographical notice and portrait of Gov. Tichenor, see Vol. III.

# RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY AT WINDSOR.

OCT. 1797.

## STATE OF VERMONT SS.

At a Meeting of his Honor the Lieut. Gov<sup>nr</sup> & Council Began & Holden at Windsor at their Annual Oct. Session on the second Thursday of Oct. A. D. 1797. Present His Honor the Lieut. Gov<sup>nr</sup> Paul Brigham Esquire, & the following Members of the Hon<sup>bl</sup> Council Viz. Samuel Safford, John Strong, Luke Knoulton, Ebenezer Marvin, Jonas Galusha, Gideon Olin, John White, Elijah Robinson, Cornelius Lynde, Samuel Williams, William Chamberlain, & Stephen Jacob Esquires, *Councillors*. Truman Squier *Sec'y* & Lucius Hubbard *Sheriff*.

A resolution from the House Appointing a Committee Consisting of Two Members from each County to join such Committee as the Council shall please to appoint to Receive, Count, & Sort the Votes for a Gov<sup>nr</sup> Lieut. Gov<sup>nr</sup> Treasurer & Councillors for the [year] ensuing. Read & Resolved that Judge Safford, Williams, Olin, Strong, Marvin, Lynde, Chamberlain, Robinson, and Knoulton, be Appointed to Join said Committee. The aforesaid Committee personally appearing before his Honor the Lieut. Gov<sup>nr</sup> were Duly Qualified by Oath to their respective Appointment.

Adjourned Untill 4 Oclock in the Afternoon.

Met according to adjournment.<sup>1</sup>

Adjourned Until 9 Oclock to Morrow Morning.

<sup>1</sup> From the printed *Assembly Journal* of Oct. 12 1797:

5 O'CLOCK P. M.

The honorable Samuel Safford, esq. chairman of the committee appointed to receive, sort, and count the votes for Governor, Lieutenant Governor, Treasurer and Councillors, for the year ensuing, handed to the speaker the following report, to wit:

*To the Honorable the General Assembly of the state of Vermont now in session at Windsor.*

Your committee appointed to receive, sort and count the votes for Governor, Lieutenant Governor, Treasurer and Councillors for the year ensuing, Report. That no person has a majority of votes for Governor. That the honorable Paul Brigham Esq. has a majority of votes for Lieutenant Governor. That Samuel Mattocks Esq. has a majority of votes for Treasurer. That the honorable Elijah Robinson, Samuel Safford, Samuel Williams, Ebenezer Marvin, Cornelius Lynde, William Chamberlain, Jonas Galusha, Luke Knoulton, John Strong, Stephen Jacob,

FRIDAY Oct. the 13 d. A. D. 1797.

Met according to adjournment.<sup>1</sup>

A Resolution from the House requesting his Honor the Lieut. Gov<sup>nr</sup> & Council to Join the House of Representatives in Grand Committee at the Opening of the House in the Afternoon for the purpose of Electing a Gov<sup>nr</sup> for the year ensuing. Resolved to Join accordingly.

A resolution from the House Appointing One Member from each County a Committee to Join such Committee as the Council shall please to Appoint to Arrange the business of the present Session; Members chosen Mess<sup>rs</sup> Shumway, Knight, Williams, Isaac Clark, Marsh, Johnson, Keys, [Elnathan Keyes,] Sias, & Fassett. Resolved that Messrs. Knoulton, Strong, & Robinson be Appointed to Join said Committee.

His Honor the Lieut. Gov<sup>nr</sup> & Council then proceeded to the House to Join said Committee agreeable to the resolution which was Concurred in this forenoon—Afterwards returned to the Council Chamber & proceeded to Business.<sup>2</sup>

Adjourned Untill 9 Oclock to Morrow Morning.

John White, and Gideon Olin, Esquires, have the highest number of votes, for councillors, by the suffrages of the people.

Signed,

SAMUEL SAFFORD, for Committee.

Windsor, October 12. 1797.

Whereupon Lucius Hubbard, esquire, sheriff of the county of Windsor, by proclamation, declared said officers, respectively, duly elected by the suffrages of the people.

The Vermont newspapers of the period give no account of election day services; which, as the appropriations therefor show, were much more expensive than usual. It appears from the printed *Assembly Journal* that an election sermon was preached by the Rev. Samuel Whiting, of Rockingham.

<sup>1</sup> From the printed *Assembly Journal*, morning of Oct. 13, 1797:

The house met pursuant to adjournment, his honor the Lieutenant Governor and the honorable Council being present. The honorable Paul Brigham, esquire, declared his acceptance of the office of Lieutenant Governor, and was duly qualified before the legislature, by the honorable Nathaniel Chipman, esquire, chief judge of the supreme court of judicature.

<sup>2</sup> From the printed *Assembly Journal*, Oct. 13 1797, afternoon :

The council and general assembly, pursuant to the resolution of this morning, met in joint committee, for the purpose of electing a Governor for the year ensuing. His Honor the Lieut. Governor in the chair, Roswell Hopkins, Clerk. The ballots being taken and examined, the honorable Isaac Tichenor, esquire, had a majority of all the votes. Whereupon Lucius Hubbard, Esq. Sheriff of the county of Windsor, by proclamation, declared the said Isaac Tichenor, Esq. duly elected Governor, in and over the state of Vermont, for the year ensuing.

On motion, Resolved, That Mr. Jacob, Mr. Spencer, and Mr. Samuel Miller be a sub-committee from this joint committee, to wait on the honorable Isaac Tichenor, Esquire, and acquaint him of his appointment, as Governor, in and over the state of Vermont, for the year ensuing.

Mr. Jacob, from the sub-committee aforesaid, reported verbally, That the committee had waited on the honorable Isaac Tichenor, Esq. with a



SATURDAY Oct. the 14 d. A. D. 1797.

Met according to adjournment.<sup>1</sup>

A Resolution from the House requesting the Lieut. Gov<sup>r</sup> & Council to Join the House of Representatives in Grand Committee at 9 O'clock this Morning for the purpose of Agreeing on a time when to make the County Elections. Read and Resolved to Join accordingly.

The Lieut. Gov<sup>r</sup> & Council then proceeded to the House & Joined in Grand Committee agreeable to the above resolution—Afterwards returned to the Council Chamber & reassumed the Business of the Day.

A Petition from the Inhabitants of S<sup>t</sup> Andrew's Gore [Plainfield,] in the County of Caledonia praying for an act of Incorporation with all the priviledges and Immunities that other Towns in this State exercise and enjoy, Read and by the House referred to Messrs. I. Clark, Knight, & J. Wright to Join &c. Resolved that Judge Chamberlain be appointed to Join said Committee.

A Petition from the Inhabitants of Fairhaven & Westhaven praying for a Tax upon the Lands in said Towns to Defray the expense in resurveying the Lots in said Towns &c. Read and by the House referred to Messrs. J. Robinson, Fassett & I. Smith to Join &c. Resolved that Judge Williams be Appointed to Join said Committee.

A Petition from a number of the Inhabitants of Pawlett in behalf of the Widow & Heirs to the Estate of Capt W<sup>m</sup>. Andrews Late of Pawlett Deceased to sell real Estate &c. Read & by the House referred to Messrs. Burnham, Marvin, & J. Wright to Join &c. Resolved that Judge White be appointed to Join said Committee.

The Petition of the Selectmen of the Town of Bennington praying to be Authorized by an act of Legislation to set over the Lands allowed by Charter for Highways which have been Omitted &c. Read & by the House referred to Messrs. Fassett, Bostwick, & Marsh to Join &c. Resolved that Judge Strong be Appointed to Join said Committee.

Adjourned Untill 9 O'clock Monday Morning next.

copy of the preceding resolution:—and delivered this further message—That the honorable Isaac Tichenor, Esq. would, at the opening of the house to-morrow morning, declare his acceptance, or non-acceptance, of his appointment as Governor.

The joint committee then adjourned to 9 o'clock to-morrow morning.

<sup>1</sup> From the printed *Assembly Journal*, Oct. 14 1797, A. M.

The joint committee met according to adjournment, when Mr. Chairman handed to the Clerk the following letter from the honorable Isaac Tichenor, esquire, viz.

Sir,—Agreeably to the Communication made to me from the Legislature by their joint Committee—I do myself the honor to acquaint you for the information of the Council, & General Assembly, that I shall accept the Appointment of Governor of this State for the year ensuing—and will meet both Branches of the Legislature at the opening of the House, on Monday afternoon next, for the purpose of taking the necessary qualifications.

ISAAC TICHENOR.

His Honor Paul Brigham Lieut. Gov<sup>r</sup>.  
Windsor Oct. 14, 1797.

The foregoing letter is copied from the original in Ms. *Vermont State Papers*, Vol. 24, p. 103.

MONDAY Oct. the 16 d. A. D. 1797.

Met according to adjournment.

An Act regulating the Collection & payments of Rates &c. having passed the House, Read & Concurred with the following proposals of Amendment Viz. that next after the words Newspapers in the seventh section second Line from the Bottom of the Page be inserted these words to wit (in which Land Taxes are by Law to be Published,) and these words to be erased to wit, printed on that side of the Mountain in which the Lands Lie—& that M<sup>r</sup>. Galusha be requested to assign the reasons to the General Assembly of said amendments.

A Petition signed by James Rogers in behalf of himself & the Heirs of his Late Father James Rogers Deceased praying for an act of the Legislature Obliging the Commissioners on his Late Father's Estate to Deed Certain Lands to him in Trust for said Heirs which Lies in Londonderry & has been by them Mortgaged & forfeited under said Mortgage. Read & by the House referred to Mess<sup>rs</sup>. [Thompson,] Cutler, [Isaac] Clark & others to Join a Committee from Council &c. Resolved that Judge Robinson be Appointed to Join said Committee.

Adjourned Untill 2 O'clock in the afternoon.

Met according to adjournment, Present His Excellency Isaac Tichenor Esq<sup>r</sup>. His Honor the Lieut. Gov<sup>r</sup>. Paul Brigham Esq<sup>r</sup>. & the following Members of the Hon<sup>ble</sup> Council, Samuel Safford, John Strong, Luke Knoulton, Ebenezer Marvin, Jonas Galusha, Gideon Olin, Cornelius Lynde, Elijah Robinson, John White, Samuel Williams, W<sup>m</sup>. Chamberlain, & Stephen Jacob Esq<sup>r</sup>. *Councillors*, Truman Squier Sec<sup>y</sup>, & Lucius Hubbard *Sheriff*, & Agreeable to the Order of the Day the Gov<sup>r</sup> & Council proceeded to the General Assembly & Joined them in Grand Committee. After the Dissolution of said Committee The Gov<sup>r</sup> & Council returned to the Council Chamber & proceeded to the Business of the Day.<sup>1</sup>

An act Directing the Mode of granting Licences &c. having passed the House, Read & Concurred with proposals of Amendment.

Resolved that the above Act shall be Committed to a Committee consisting of Two Members to make the amendments. Members chosen Mess<sup>rs</sup>. Jacob & Lynde.

A Petition signed by Ebenezer W. Judd that the Public Buildings for the County of Essex may be established in the Upper part of Guildhall in said County—Read and by the House referred to Mess<sup>rs</sup>. Williams, P. Wright I. Clark, Burt, & Keys, to Join a Committee from Council, Resolved that Judge Chamberlain & Olin be appointed to Join said Committee.

A Petition from the Inhabitants of Canaan praying that the Legislature would be pleased to pass an act for the purpose of having the County Buildings for the County of Essex made at Guildhall in said County, Read & by the House Referred to the Committee Appointed on Ebenezer W. Judd's Petition, Resolved to Join accordingly.

A Petition from the Inhabitants of Lemington praying for an act Establishing the County Buildings for the County of Essex at Guildhall in said County, Read & by the House referred to the Committee Appointed on Ebenezer W. Judd's Petition, Resolved to Join accordingly.

Adjourned Untill 9 O'clock to Morrow Morning.

<sup>1</sup> In Grand Committee, Judge Chipman administered the oaths of office to Gov. Tichenor, who then addressed both Houses. In the Assembly Israel Smith, Amos Marsh, and Abel Spencer were appointed to draft an answer to the speech. For speech and answer see *Appendix J*.

TUESDAY Oct. the 17 d. A. D. 1797.

Met according to adjournment.

A Resolution From the House requesting the Gov<sup>r</sup> & Council to meet them in Grand Committee this Morning for the purpose of agreeing on the time of Making their several Nominations for a Senator to Represent this State in the Senate of the United States, Read & Non-concurred.

The following resolution of Council was submitted to the House of Representatives to wit—

IN COUNCIL October the 17 d. A. D. 1797.

Resolved that the House of Representatives be requested to Concur with the Gov<sup>r</sup> & Council in proceeding at 2 O'clock in the Afternoon of this Day in their respective Houses to make their several Nominations of a Senator to Represent this State in the Congress of the United States, Immediately after which both Houses shall meet in Grand Committee and proceed to Determine the Election.

A Petition from the Inhabitants of the North west part of the Town of Wells praying to be annexed to the Township of Poultney for the Purpose of enjoying Town privileges &c. being read & by the House referred to Mess<sup>rs</sup> Fassett, Thompson, Hoit, Z. Curtiss, & Whitney, together with a petition of the Inhabitants of the Northwest part of Pawlett with a Remonstrance thereto, Resolved that Mr. Williams be appointed to Join said Committee.

An act appointing an Attorney General, several State's Attornies &c. & Directing them in their Office & Duty &c. having passed the General Assembly, Read & Ordered to be Discussed Paragraph by Paragraph. On motion said act now under Discussion is Ordered to Lie for the present.

Resolved that a Committee Consisting of three Members from the Council be Appointed for the purpose of Reporting such rules as they shall Judge proper to Govern the Council in their Debates. Members Chosen Mess<sup>rs</sup> Marvin, Brigham, & Jacob.

The foregoing resolution of Council for the purpose of Nominating a Senator in the United States &c. Returned Concurred in by the House.

Adjourned Until 2 O'clock in the afternoon.

Met according to adjournment.

IN COUNCIL Oct. the 17 d. A. D. 1797.

Two of the Clock in the Afternoon.

Agreeably to the Order of the Day the Gov<sup>r</sup> & Council proceeded to Nominate a Person as Senator to represent this State in the Senate of the United States & the Ballots being taken & examined when the Hon. Nathaniel Chipman Esq<sup>r</sup> was Declared Duly Nominated. The Gov<sup>r</sup> & Council then proceeded to the House of Representatives agreeable to their resolution taken in the forenoon for that Purpose & Join them in Grand Committee for the purpose of Comparing their Nominations respectively taken in each House for a Senator to represent this State in the Congress of the United States and to Determine the Election, when it appeared that the Hon. Nathaniel Chipman Esq<sup>r</sup> was Duly Nominated by both Houses, and [he was] Declared Duly elected. And after the Dissolution of the Grand Committee the Gov<sup>r</sup> & Council returned to the Council Chamber and agreeable to the Order of the Day proceeded to Business.

The Petition of William Page of Charlestown, Newhampshire, As an agent to the Company for Locking Bellows's falls for himself & in behalf of said Company, praying for an act of the Legislature encreasing

the Toll thro' the Locks made at said Falls &c. being read & by the House Referred to Mess<sup>rs</sup>. Cutler, J. Wright, Johnson, Weatherbee, & P. Wright, to Join such Committee as the Council shall please to Appoint, Resolved that Mess<sup>rs</sup>. Jacob and Robinson be appointed to Join said Committee.

A Resolution from the House Appointing a Committee of three persons to Join a Committee from Council to receive and examine the accounts of the several Clerks of the Supreme Court and the several State's Attornies & make report &c. Members Chosen Mess<sup>rs</sup>. Israel Smith, Chittenden, & Wing—Resolved that M<sup>r</sup>. Chamberlain be Appointed to Join said Committee.

The Act Directing the Mode of Obtaining Licenses for selling strong Liquors &c. is ordered to be recommitted for further Amendments to be made, & to the same Committee.

The Petition of Timothy Mossman & others praying for a grant of a Strip of Land Lying between Summerset & Stratton being read & by the House referred to Mess<sup>rs</sup>. E. Allen, Knight, & Hunt to Join such Committee as the Council shall please to appoint, Resolved that Judge Olin be appointed to Join said Committee.

A Resolution from the House requesting the Gov<sup>r</sup> & Council to Join the Gen<sup>l</sup> Assembly in Grand Committee at 10 O'clock to Morrow Morning for the purpose of Choosing Judges of the Supreme Court for the year ensuing, Read & Resolved to Join accordingly.

Adjourned Untill 9 O'clock to Morrow Morning.

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WEDNESDAY Oct. the 18 Day A. D. 1797.

Met according to Adjournment & agreeable to the Order of the Day the Gov<sup>r</sup> & Council Joined the General Assembly in Grand Committee for the purpose of receiving the County Nominations for the Civil Officers for the year ensuing & proceeding to Determine their elections, afterwards returned to the Council Chamber & reassumed the Business of the Day.

Adjourned Untill 2 O'clock in the afternoon.

Met according to adjournment And agreeable to the Order of the Day the Gov<sup>r</sup> & Council Joined the General Assembly in Grand Committee for the purpose of electing the Judges of the Supreme Court for the year ensuing.<sup>1</sup> After the Dissolution of the Grand Committee the Gov<sup>r</sup> & Council returned to the Council Chamber & reassumed the Business of the Day.

IN COUNCIL Oct. the 18 Day A. D. 1797.

Resolved that the House of Representatives be requested to Join in Grand Committee at the Opening of the House to Morrow Morning & then by the Joint Ballots of Both houses to Choose a Major General in the second Division of the Militia of this State, and also to make Choice of a Major General in the third Division of the Militia of this State which Office is by Law rendered vacant by the Absence of the Hon. Major General Ira Allen.

The Petition of Timothy Brown Esq<sup>r</sup>. of Manchester in the County of Bennington setting forth that he brought his certain action against one Ripley Torry in the State of Massachusetts to recover against him the said Ripley as Guarantee upon four several notes the sum [same] amounting to the sum of about £398: 12: 0 Lawful money, & a final De-

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<sup>1</sup> The election resulted in the choice of Israel Smith as Chief Justice and Enoch Woodbridge and Lot Hall as Assistants.

cision being had against him the said Timothy in said State of Massachusetts and the said Ripley Torrey having removed into this State and New & Material evidence being Discovered since said Decision, therefore prays for an act to enable him the said Timothy to bring another action in this State to recover said Demand. Read and by the House referred to Mess<sup>rs</sup> J. Robinson, Cutler, [Israel] Smith, [Samuel Miller,] & Keys, to Join such Committee as the Council shall please to appoint, Resolved that M<sup>r</sup> Strong be appointed to Join said Committee.

The Hon. Samuel Mattocks Esq<sup>r</sup> as principal and the Hon<sup>ble</sup> Nathaniel Chipman & John Strong Esquires as sureties acknowledged themselves Jointly & severally holden & bound to the Secretary of this State in the penal sum of \$33,333 & 33 Cents which payment well & Truly to be made they bound themselves their Heirs, executors and administrators firmly by this bond of Recognizance this 18 Day of Oct. A. D. 1797. —The Condition of this Bond of Recognizance is such that if the said Samuel Mattocks Esquire shall well & Truly execute the Office of a Treasurer within & for the State of Vermont for the year ensuing so that neither the Public or any Individual suffers thereby then this bond of Recognizance to be void otherwise of Force.

IN COUNCIL Oct. the 18 d. A. D. 1797.

Then personally appeared Samuel Mattocks Esq<sup>r</sup> before his Excellency the Gov<sup>r</sup> & was Duly Qualified by Oath to his Office of Treasurer for the year ensuing.

The Petition of James Whitelaw for exchanging a Public Right in Ryegate &c. being read & by the House referred to Mess<sup>rs</sup> Johnson, Brock, & Moore, to Join such a Committee as the Council shall please to Appoint, Resolved that M<sup>r</sup> Safford be Appointed to Join said Committee.

The resolution of the Council [sent] to the House requesting them to Join in Grand Committee at the Opening of the House to Morrow Morning to Make Choice of Two Major Generals &c. Returned Concurred in by the House.

A resolution from the House of representatives was sent to the Gov<sup>r</sup> & Council in these words to wit—

Resolved as the Opinion of this House that the Bills alluded too in the Communication made by M<sup>r</sup> Jacob which were not acted upon in Council Last Session be considered & the same proceedings had thereon as tho' the same had been received in Council from this House on this Day.

An Act Directing the Treasurer of this State to pay to Elijah Hulburt the sum of One hundred & Twenty nine Dollars & 79 Cents having passed the House, Read & Concurred with following proposals of amendment to wit in the 9<sup>th</sup> and 10<sup>th</sup> Lines after the word money erase the words & also the sum of Twenty Eight Dollars in boarding said prisoners, & the 15<sup>th</sup> Line after the words One hundred erase the words Twenty nine and Insert the word "One."

Adjourned Untill 9 Oclock to Morrow Morning.

THURSDAY Oct. the 19 d. A. D. 1797.

Met according to Adjournment & Agreeable to the Order of the Day the Gov<sup>r</sup> & Council Joined the Gen<sup>l</sup> Assembly in Grand Committee for the purpose of Making Choice of a Major General in the second & third Divisions of the Militia of this State. After the Dissolution of

<sup>1</sup> Eli Cogswell, of Castleton, was elected Maj. General vice Ira Allen; David Erwin was elect Brig. General of 2<sup>d</sup> Brigade 2<sup>d</sup> Division, and Samuel Strong of the 1<sup>st</sup> Brigade 3<sup>d</sup> Division.

said Committee the Gov<sup>r</sup> & Council returned to the Council Chamber & Reassumed the Business of the Day.

Adjourned Untill 2 Oclock in the afternoon.

Met according to adjournment.

The Petition of Amos Potter of Pitstown in the County of Rensselaer & State of Newyork praying for a New Trial in a Certain Cause therein mentioned &c. being read & by the House referred to the Committee appointed to hear petitions between party & party for New trials &c. resolved that Mess<sup>rs</sup> Safford & Lynde be Appointed to Join said Committee.

A resolution from the House of Representatives Appointing a Committee consisting of one member from each County to Join such Committee as the Council shall please to Appoint to take under Consideration all Petitions praying for New trials between party & party, State facts & make report thereon, Members Chosen Mess<sup>rs</sup> Wait, Holmes, Wing, A. Chamberlin, Claghorn, Heald, C. Smith, Cutler, & Baker, Resolved that Mess<sup>rs</sup> Safford & Strong be Appointed to Join said Committee.

A resolution from the House requesting the Gov<sup>r</sup> & Council to appoint thursday the 7th Day of December next to be Observed as a Day of Public Thanksgiving and Praise throughout this State.

The Petition of Gen<sup>l</sup> Roger Enos now Confined in Woodstock Gaol for a Debt due from him to this State praying for an Act Liberating him from said Confinement &c. being read & by the House referred to Mess<sup>rs</sup> J. Robinson, Wait, & Allis to Join such Committee as the Council shall please to Appoint, Resolved that M<sup>r</sup> Galusha be Appointed to Join said Committee.

The Petition of Thomas Richardson praying for an act Quieting him in his possessions made on a Gore of Land Adjoining the North part of Enosburgh &c. Read and by the House referred to Mess<sup>rs</sup> Israel Foster, P. Wright, & Cutler to Join a Committee from Council, Resolved that M<sup>r</sup> Knoulton be Appointed to Join said Committee.

The Petition of Richard Rand praying for a Grant of a Gore of Land of about six hundred acres Lying between Marlboro' & Newfane &c. being read & by the House referred to Mess<sup>rs</sup> Sam<sup>l</sup> Jewett, Fassett, & Walker to Join such Committee as the Council shall please to Appoint, Resolved that M<sup>r</sup> Safford be appointed to Join said Committee.

A resolution from the House Appointing a Committee Consisting of One Member from each County to Join such Committee as the Council shall please to appoint for the purpose of taking under Consideration all Lottery Petitions &c. to be stiled the Lottery Committee, Members Chosen Mess<sup>rs</sup> Moore, D. Jewett, Lothrop, Throop, Samuel Miller, [Asahel] Chamberlin, [Martin Chittenden,] Standley [Timothy Stanley,] & Holmes, &c. Resolved that M<sup>r</sup> Olin be appointed to Join said Committee.

The proposals of Mess<sup>rs</sup> Judah P. Spooner & James Lyon for printing the Statute Laws of this State being read & by the House referred to a Committee consisting of one Member from each County to Join such Committee as the Council shall please to appoint &c. Resolved that M<sup>r</sup> Lynde be appointed to Join said Committee.

The Petition of Josiah Scott, & other Inhabitants of the Towns of Wolcott, Elmore, & Craftsbury, praying for an Act of Legislation granting them Leave to raise the sum of five hundred Dollars by way of a Lottery for the purpose of Building a Bridge over the River La Moile in s<sup>d</sup> Wolcott, & being read & by the House referred to the Lottery Committee to Join the [committee] from the Council &c. Resolved to Join Accordingly.

The Petition of Benj. Whitman in behalf of the Proprietors of Leicester praying for a grant of Unappropriated Lands within this State & to Contain fourteen thousand acres of Land to make up the Deficiency of the Lands in said Town of Leicester Occasioned by the Grant previously made of Salisbury which Includes a part of s<sup>d</sup> Leicester, being read & by the House referred to Mess<sup>rs</sup> Knight, I<sup>r</sup> Smith, & Olcott, to Join such Committee as the Council shall please to Appoint, Resolved that [Lieut.] Gov<sup>r</sup> Brigham be Appointed to Join said Committee.

An Act for the Partition of Real Estates in Certain Cases &c. having passed the House, read & Concurred.

The Petition of James Hide [Hyde] Late of Poultney praying for Compensation for the Loss of 28 Acres & 63 Rods of Land in said Poultney set over to the State of Newyork by the Commissioners of this State in settling the Line of this State with the State of Newyork, being read & by the House referred to Mess<sup>rs</sup> Saxton [Sexton,] J. Whitney, I. Clark, Curtiss, McLanklin [McLaughlin,] Walker, Thorp, Cahoon, & Town [Fasset,] to Join such a Committee as the Council shall please to Appoint, Resolved that Gov<sup>r</sup> Brigham be Appointed to Join said Committee.

The Petition of Solomon Norton praying for Like Compensation as the foregoing petitioner has is referred by both houses to the Committee Last Mentioned— & the Petition of Seth Craw praying for Like Compensation & for Like Losses as the Petitioners James Hide & Solomon Norton have Done is also referred to the same Committee as are appointed on said Petitions.

The Petition of Aaron Post & others praying for Leave to raise a pond &c. Upon Fairlee Lake &c. being read & by the House referred to Mess<sup>rs</sup> Hatch, D. Whitney, & Z. Curtiss &c. to Join a Committee from Council &c. Resolved that Judge Marvin be appointed to Join said Committee.

The Petition of Joseph Marks of Wilmington praying the Legislature to Chancer or Leinquish [relinquish] One Certain Judgement had against him by this State as bail for being bound for one James Frazer &c. being read & by the House referred to Mess<sup>rs</sup> I. Smith, Linslev, & Johnson, to Join a Committee from Council, Resolved that M<sup>r</sup> White be appointed to Join said Committee.

The Petition of Simeon Hager who prays for an Insolvant act in his favour &c. being read & by the House referred to a Committee appointed to Hear Petitions for Insolvent acts Generally, Resolved to Join accordingly.

A resolution from the House Appointing a Committee consisting of one Member from each County to join such Committee as the Council shall please to Appoint to take under Consideration all Petitions for Acts of Insolvency or Suspension, Members Chosen Mess<sup>rs</sup> Moore, Shafter, Lothrop, Willoby [Willoughby,] John Clark, Johnson, Chittenden, Chandler, & Hutchins, Resolved that Gov<sup>r</sup> Brigham be Appointed to Join said Committee.

The Petition of Seth Ford & others praying for a Grant of a Gore of Land Lying between the Towns of Enosburgh & Montgomery in the County of Franklin &c. being read & by the House referred to the Committee Appointed on the Petition of Thomas Richards &c. Resolved that M<sup>r</sup> Knoulton be Appointed to Join said Committee.

The Hon. Jonas Galusha Esq<sup>r</sup>. Moved for Leave of Absence During the remainder of the Session, which was granted.

The Act Directing the Mode of Obtaining Licenses & regulating Inns & Houses of public Entertainment Read & Concurred with the following proposals of Amendment to wit, after the word presented in the 15<sup>th</sup>

Line after [of] the 1<sup>st</sup> Section erase the Section to the end & Insert these words to wit, to the next & Stated County Court in the same County. Such Court may grant Licenses to such Person or any number of them that they shall think expedient, to keep Inns or houses of Public entertainment for the year ensuing, which Licenses shall be in force for one year next after the Stated Session of the Court after such Nomination is made & no Longer. Also erase the whole of Sects. third, fourth, fifth, sixth, & seventh, & Insert & it is hereby further enacted that it shall be the Duty of the several County Courts in their respective Counties in their Discretion to Assess the Persons so by them Licensed in such sums severally as they shall Judge proper not exceeding thirty Dollars or Less than one Dollar according to their respective profits & situations, which sum shall be paid to the Clerk of such Court & be by him delivered over to the Treasurer of the same County for the use of the County & shall be accounted for by said Treasurer. In sect. 9<sup>th</sup> in the fourth Line erase the words Town Clerk of the Towns & Insert the County Court of the County. In the fourteenth Line & nineteenth Line of the same section before the word Beer erase the word Common & Insert the word Strong; in the sixteenth Line of the same Section after the word Brandy insert the word Methiglin, and in the nineteenth Line of the same Section erase the word Methiglin, Also erase the whole of Section tenth.

Adjourned Untill 9 Oclock to Morrow Morning.

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FRIDAY Oct. the 20 d. A. D. 1797.

Met according to adjournment.

The Petition of Isaac Beard of West Springfield in the Commonwealth of Massachusetts praying to be restored to his Law in a Certain action therein mentioned & a new Trial granted him, & also to have Liberty to give Copies of Deeds from the Town Clerk's Office in evidence, the Original Deeds being Lost &c. Read & by the House referred to Mess<sup>rs</sup>. E. Wheelock, Johnson, & J. Whitney, to Join such Committee as the Council shall please to appoint &c. Resolved that M<sup>r</sup>. Williams be appointed to Join said Committee.

A resolution from the House Appointing a Committee to consist of five persons to Join such Committee as the Council shall please to Appoint to take under Consideration the sixth Article of the arrangement of the Business of the present Session to wit that measures be taken to Appoint Inspectors & Packers of Beef, Pork & Flour &c. Members Chosen Mess<sup>rs</sup>. Curtis, Olcott, Wing, Chittenden, & J. Wright, Read & Resolved that M<sup>r</sup>. Knoulton be appointed to Join said Committee.

A resolution from the House Appointing a Committee of three persons to Join such Committee as the Council shall please to appoint to take under Consideration the fifth Article of the arrangement of the Business of the present Session to wit that some Measures be taken for the sale of the Lands of Minors &c. Members Chosen M<sup>r</sup>. Burnham, Hutchins & Shumway, Read & Resolved that M<sup>r</sup>. Strong be appointed to Join Said Committee.

Resolved that M<sup>r</sup>. Robinson be appointed to Join the Committee appointed on the Petition of Gen<sup>l</sup>. Roger Enos Instead of M<sup>r</sup>. Galusha who was excused by leave of Absence During the remainder of the Session.

A Petition of a number of the Inhabitants of the Town of Windham preferred to the Legislature at their Last Oct. Session holden at Rutland with their Doings thereon being read & by the Council resolved that the same be referred to Mess<sup>rs</sup>. Knoulton & Lynde.



An Act Directing the Mode of the Election of the Gov<sup>r</sup> Lieut. Gov<sup>r</sup> Treasurer & Councillors of the State & Representatives having passed the House, read and Concurred with the following proposal of amendment to wit, In the sixth Line of the second section after the word both Insert the words either of, and erase the word of in the same Line, & Insert before the Last proviso in the third section at the letter A these words—provided always & it is hereby further enacted that if the Representative of any Town shall Die, be Absent or Otherwise Incapacitated or prevented from Transmitting the Votes & Certificates as aforesaid, the same shall by the presiding Officer be Delivered to any Representative of the County in which such Town is situate whose Duty [it] is hereby made safely to Transmit the same to the Committee to be appointed by the Council & General Assembly as aforesaid, and erase the words & Also.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

An act for the revival of & in addition to an act entitled an act assessing a Tax of One penny per acre on the Lands in the Town of Brown-ington passed the 8<sup>th</sup> [November] A. D. 1796 having passed the House, Read & Concurred.

Adjourned Untill 9 Oclock to Morrow Morning.

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[SATURDAY, Oct. 21, 1797.]

Met according to adjournment.

An act annexing part of Windham to Londonderry &c. having passed the House, Read & Concurred.

An act relating to Interest on Contracts Made or hereafter to be made having passed the House, Read & Concurred with the following proposals of amendment to wit, after the word One in the Twenty sixth Line<sup>1</sup> & Insert these words—the whole of the Usurious part of said Contract & Twenty five per Cent. on the whole sum of said Contract; and from the word accustomed in the 38<sup>th</sup> Line erase the residue of the provision- al Clause.

The Petition of Aaron Barlow of Barnard who prays for an act of Legislation granting him a New Trial in a Certain Action brought against him by one William Burton of Hartford and which has been finally Decided against him &c. being read & by the House referred to Mess<sup>rs</sup> Robinson, Marsh, & Knight, Resolved that M<sup>r</sup>. Olin be appointed to Join said Committee.

A resolution from the House appointing a Committee consisting of five Members to Join such Committee as the Council shall please to appoint to take under Consideration the extent of the act Authorizing Samuel Williams Esq<sup>r</sup> to Do the State printing & Report their Opinion thereon, Members Chosen Mess<sup>rs</sup> Olcott, Curtis, Morey, Wright, & Williams, Read & Resolved that Mess<sup>rs</sup> Marvin & Chamberlain be appointed to Join said Committee.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

Adjourned Untill 10 Oclock Monday Morning next.

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MONDAY Oct. the 23 d. A. D. 1797.

Met according to Adjournment.

A petition of William Maxwell of Barnet who prays for an act Vacating a Certain Deed which he gave to his child Inconsiderately &c.

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<sup>1</sup> Here is an omission in the record that cannot be supplied.

being read & by the House referred to Mess<sup>rs</sup> Johnson, Israel Smith, & Cahoon, to Join such Committee as the Council shall please to appoint, Resolved that M<sup>r</sup> Chamberlain be appointed to Join said Committee.

The petition of Ebenezer Marvin, Stephen Royce, & Stephen Pearl Esquires who pray for a grant of a Gore of Land between the Towns of Berkshire & Richford for the benefit of the proprietors of said Berkshire, being read & by the House referred to Mess<sup>rs</sup> Linsley, Lothrop, & Fassett, to Join such Committee as the Council shall be pleased to appoint, Resolved that M<sup>r</sup> Strong be appointed to Join said Committee.

An act for the support of the Gospel &c. having passed the House &c. Read & Concurred.

An act Directing the Mode of taking forfeitures of Grants and Charters &c. having passed the House &c. Read & Concurred.

Adjourned Untill 2 O'clock in the afternoon.

Met according to adjournment.

The Petition of Samuel Campbell of the South Hero in the County of Chittenden who prays for an act of Legislation granting him a New trial in a Certain action wherein one Jedediah Hide was Defendant—Read & by the House referred to Mess<sup>rs</sup> Knight, Burt, & Linsley, to Join such Committee as the Council shall please to appoint, Resolved that M<sup>r</sup> Robinson be appointed to Join said Committee.

An act Liberating Gen<sup>l</sup> Roger Enos from Confinement &c. having passed the House, Read & Concurred with the following proposal of amendment to wit, that next after the word note in the Twentieth Line of said act Insert these words to wit, payable on Demand.

The Petition of Jonathan Parker Esq<sup>r</sup> & others who pray for a Land Tax of one cent & half per acre to be assessed on all the Lands in Medway [Mendon.] public rights excepted &c. having passed the House, &c. Read & Concurred.

The act relating to the Office & Duty of an Attorney General, State's Attornies, Clerks of the Supreme Court & County Court & County Treasurer &c. Read with the following proposal of amendment to wit, in the 6<sup>th</sup> Line in the 9<sup>th</sup> Section after the word Counties Insert the words "Annually or Oftener if need be." On Motion of M<sup>r</sup> Olin the yeas & nays were called for, which were as follows to wit—

Yeas	&	Nays—
Samuel Williams,		Paul Brigham,
John Strong,		Samuel Safford,
Luke Knoulton,		Gideon Olin,
Ebenezer Marvin,		& John White.
Cornelius Lynde,		
Elijah Robinson,		
W <sup>m</sup> Chamberlain		
& Stephen Jacob.		

8 Votes in the Affirmative &

4 Votes in the Negative—

& said Bill was therefore concurred in with said proposal of amendment.

The House have by their written Message Informed the Gov<sup>r</sup>. & Council that they have concurred in the proposal of amendment to the act Liberating Gen<sup>l</sup> Roger Enos from Confinement.

The House of Representatives have sent their written Message to inform the Gov<sup>r</sup>. & Council they have Concurred in the proposal of amendment to the act against Usurious Contracts &c.

Adjourned Untill 9 O'clock to Morrow Morning.

TUESDAY Oct. the 24 d. A. D. 1797.

Met according to adjournment.

An act for the revival of and in addition to an act entitled an act granting a Tax of one penny half penny per acre on all the Lands in Saltash [Plymouth] &c. having passed the House, Read & Concurred.

An act appointing Joseph Lord of S<sup>at</sup> Johnsbury Collector of a Tax in Burke &c. having passed the House, Read & Concurred.

An act Directing the Treasurer of this State to pay to Charles Bullis of Manchester in the County of Bennington the sum of Eighty seven Dollars & fifty Cents &c. having passed the House, Read & Concurred.

An act Directing the Treasurer of this State to Credit Alexander Pennock Constable of Strafford &c. thirty three Dollars & forty Cents, having passed the House, Read & Concurred.

The Petition of Stephen Jacob & Benj. Stebbins Esquires wherein they pray for Some releif in Consequence of their being bound for W<sup>m</sup> Sweetser Esquire Late Sheriff of the County of Windsor &c. being read & by the House referred to Mess<sup>rs</sup>. J. Wright, E. Wheelock, I. Smith, Williams, Sam<sup>l</sup> Miller, Keys, Sias, & Goodrich, to Join a Committee from Council &c. Resolved that M<sup>r</sup>. Olin be Appointed to Join said Committee.

The act Directing the mode of Obtaining Licences & Regulating Inns & Houses of Public Entertainment &c. being returned from the House with the three first proposals of amendment nonconcurred in, the rest of the amendments Concurred in, which act is Ordered to Lie for the present.

The Petition of James Whitclaw & Ebenezer Strong agents for the proprietors of the Town of Salem wherein they pray for some releif in Consequence of their grant not being made good by the State of Vermont &c. being read & by the House referred to Mess<sup>rs</sup>. Chittenden, P. Wright, & Baker to Join such Committee as the Council shall please to Appoint, Resolved that M<sup>r</sup>. Knoulton be appointed to Join said Committee.

The act for the support of the Gospel &c. being taken up & reconsidered—Concurred with the following proposals of amendments. [Amendments omitted from the journals.]

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

On Motion of M<sup>r</sup>. Jacob the yeas & nays were called for upon the act for the support of the Gospel &c. with the proposed amendments, which were as follows—

Yeas  
Samuel Safford,  
John Strong,  
Luke Knoulton,  
Cornelius Lynde,  
Elijah Robinson,  
Samuel Williams,  
W<sup>m</sup> Chamberlain,  
Stephen Jacob.

& Nays.

John White,  
Gideon Olin.

Judge Marvin excused himself from Voting. There being eight Votes in the Affirmative & but Two in the Negative said act was concurred in with said amendments.

Adjourned Untill 9 Oclock to Morrow Morning.

WEDNESDAY Oct. the 25 d. A. D. 1797.

Met according to adjournment.

A resolution from the House requesting the Gov<sup>r</sup>. & Council to Join in Grand Committee at the Opening of the House this morning to Con-

fer upon the amendment proposed to the amendment proposed to the act Directing the mode of Obtaining Licenses &c. Resolved to Join according to said request.

The Gov<sup>r</sup> & Council agreeable to the above resolution immediately proceeded to the House & Joined the General Assembly in Grand Committee—and after the Dissolution of said Committee the Gov<sup>r</sup> & Council returned to the Council Chamber & reassumed the Business of the Day.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

The House of Representatives by one of their Members returned the Act Directing the Mode of Obtaining Licenses &c. with their adherence to their nonconcurrence to the proposed amendments of Council with their reasons therefor. On motion said Act is Ordered to Lie Upon the Table for the present.

Adjourned Untill 9 Oclock to Morrow Morning.

THURSDAY Oct. the 26 d. A. D. 1797.

Met according to adjournment.

A Copy of the Petition of Amos Potter wherein he prays for a new trial in a Certain Cause therein mentioned, the Original being Lost &c. being read & by the House referred to a Committee to Join such Committee as the Council shall be pleased to appoint &c. Resolved that Mess<sup>rs</sup> Strong & Lynde be appointed to Join said Committee.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

The act for the support of the Gospel &c. being returned from the House of Representatives with all the amendments of the Council Concurred in except the provisional Clause to the fourth section to said [act,] Resolved to Concur with the House of Representatives in Rescinding from said proposed provisional Clause.

An Act Appointing a Committee to Lay out a road for the County [a county road] from Chelsea to Danville &c. Read & by the House referred to Mess<sup>rs</sup> Hoit, I. Clark, & P. Wright<sup>1</sup> to Join such Committee as the Council shall please to Appoint, Resolved that M<sup>r</sup> Williams be Appointed to Join said Committee.

Adjourned Untill 9 Oclock to Morrow Morning.<sup>2</sup>

<sup>1</sup> Sias of Danville, Hatch of Chelsea, and Merrill of Wheelock in the *Assembly Journal*, which doubtless is correct.

<sup>2</sup> From Ms. *Vermont State Papers*, Vol. 24, p. 105:

Sir,—I do myself the honor of enclosing, for the information of the House of Representatives, a Letter from the Sec<sup>y</sup> of War, accompanied by an act of Congress, passed the 24th of June, 1797.

ISAAC TICHENOR.

Addressed *To the Speaker of the House of Representatives.*

Windsor Oct. 26<sup>th</sup> 1797.

The act communicated authorized a force of eighty thousand detached militia, in addition to the regular and provisional armies. It was passed in view of a probable war with France or other European nation, and the command was given to Washington the 3d of July following.—See *Appendix F.*

FRIDAY Oct. the 27 d. A. D. 1797.

Met according to adjournment.

The Act Directing the Mode of Obtaining Licenses and regulating Inns & Houses of Public entertainment &c. was taken up again and Discussed agreeable to the Order of the Day &c. Resolved not to Rescind from the proposals of amendment to s<sup>d</sup> act & that the said [act] Lie for the present & for a further Discussion &c.

An act assessing a Tax of three Cents per acre on all the Lands in the Townships of Guildhall, Easthaven, Newark, & Westmore & one half Cent per acre on all the Lands in the Township of Granby &c. having passed the House of Representatives, Read & Committed to Mess<sup>rs</sup> Strong and White to examine said Bill, State facts & make report &c.

A Resolution from the House of Representatives Laying a [Land] Tax throughout this State to support Government & appointing a Committee consisting of one Member from each County to Join such a Committee as the Council shall please to appoint, Members Chosen Mess<sup>rs</sup> Robinson, Bigelow, I. Clark, Olcott, Linsley, Johnson, Keyes, Cameron, & House, Resolved not to Concur for the following reasons to wit, because all Money Bills ought to Originate in the House of Assembly, Also shou<sup>d</sup> the Council Concur in said resolution it would virtually foreclose any Discussion that might be had upon the principles of any bill that might be brought forward in pursuance of said Resolution.<sup>1</sup>

An Act Assessing a Tax of One half Cent per acre on all the Lands in Glover having passed the House, Read & Committed to Mess<sup>rs</sup> Strong & White to take the same under Consideration & the accompanying Petition, State facts & make report.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

The Hon. Judge [Samuel] Barnard appeared in Council & was by his Honor the Lieu<sup>t</sup> Gov<sup>r</sup> Duly Qualified by Oath to his Office as side or assistant Judge to the County Court within & for the County of Franklin for the Year ensuing.

An act ratifying the Division of the Town of Barnard &c. having passed the House of Representatives, read & Committed to M<sup>r</sup>. Chamberlain, & the accompanying Petition, for examination & to state facts & make report &c.

An act assessing a Tax of three Cents per acre on all the Lands in Goshen &c. having passed the House of Representatives, Read & Concurred.

An act for the revival and Alteration of an act assessing a Tax of One penny per acre on all the Lands in Woodbury having passed the House of Representatives, Read & Concurred.

An act granting to Daniel Taylor & his associates the priviledge of Building a Toll bridge over West river in Dummerstown &c. having passed the House, Read & Concurred with the following proposal of amendment—Erase the word ten in the second Line of the third section and Insert the word forty instead thereof; & Judge Knoulton is

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<sup>1</sup> As there was nothing in the constitution reserving to the Assembly an exclusive right of originating bills for raising revenue, this recommendation of the Governor and Council is notable. It covered the first clause of section seven of the first article of the constitution of the United States.

requested to take said act to the House of Representatives & state the reasons of said amendment.

The act ratifying the Division of the Town of Barnard &c. being returned by Mr. Chamberlain with his report in favour [of] said Bill, Read & Concurred.

Adjourned Untill 9 Oclock to Morrow Morning.

WINDSOR Saturday Oct. the 28 d. A. D. 1797.

Met according to adjournment.

The Petition of Jonathan Fassett wherein he prays for an Act of Suspension of all civil suits against him for the Term of One year &c. being read & by the House referred to Mess<sup>rs</sup>. Burnham, Pearl, & Thompson to Join such a Committee as the Council shall please to appoint &c. Resolved that Mr. Olin be Appointed to Join said Committee.

An Act staying all civil proceedings against Abel Stevens for the Term of one year &c. having passed the House, read & Concurred.

The Petition of Amos Marsh for & in behalf of the good Citizens of the City of Vergennes wherein he prays for an act Establishing a County Grammar School in said City of Vergennes, with a remonstrance & Petition from the Inhabitants of Middlebury in said County of Addison, being read and by the House referred to Mess<sup>rs</sup>. Wing, Burt, & I. Smith, to Join such a Committee as the Council shall please to appoint, Resolved that Gov<sup>r</sup> be Appointed to Join said Committee.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

An act granting a new trial to George Reab in a Certain Cause or Action therein mentioned &c. having passed the House, read & Concurred.

Adjourned Untill 9 Oclock Monday Morning next.

MONDAY Oct. the 30 d. A. D. 1797.

The Hon<sup>ble</sup> Ebenezer Marvin and John White Esquires appeared in Council & were by his excellency the Gov<sup>r</sup> Duly Qualified by Oath to their Offices respectively as Judges of the County Court within & for the County of Franklin for the year ensuing.

Judge Marvin moved for Leave of Absence During the remainder of the Session, which Leave of Absence was granted.

A resolution from the Gov<sup>r</sup> & Council requesting the General Assembly to Appoint a Committee of Conference to Confer with a Committee from the Council Upon the Disagreement of the Two Houses respecting the Amendment proposed to the Bill Directing the Mode of Obtaining Licenses & to report specially thereon, & Resolved that Mr. Olin be appointed to Join a Committee to be appointed from the House of Representatives for the purposes aforesaid &c.

[The House refused a conference, and thereupon the Governor and Council] Resolved to suspend said act Untill Next Session of the Legislature.

An Act assessing a Tax of three Cents per acre on all the Lands in Guildhall &c. being taken up agreeable to the Order of the Day, Read & Concurred with the following proposal of Amendment to wit, in Line

! Probably Lieut. Gov. Brigham.

sixth Sect. 1<sup>st</sup> after the Word Cents Insert the words per acre. In the Twelvth Line in said Section after the [word] Westmore Insert the words which said monies shall be expended in the Towns aforesaid respectively from which by this act they are to be Collected, and in the fourteenth Line after the word expended Insert [the words] as aforesaid. In the thirteenth Line of the second section after the word Westmore Insert the words any Law to the Contrary notwithstanding.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

An act to Authorize Oliver Kidder to sell the real estate of Tyrus Preston &c. having passed the House, Read & Concurred.

An act Directing the Appointment of a Surveyor General & County Surveyors and Regulating their Office & Duty &c. having passed the House, Read & Concurred.

An act Directing the Appointment of an Auditor of Accounts against this State & an Auditor or Auditors in the Treasury Department & Defining their several Duties, Directing the Treasurer in his Office & Duty & Declaring the Manner in which actions shall be brought [for debts] Due to this State &c. having passed the House, Read & Concurred with the following proposal of amendment to wit, erase the word fifty in the seventh Line of the sixth page & insert these words to wit, "one hundred."

The resolution of Council which was sent to the House of Representatives in the forenoon Returned nonconcurrent.<sup>1</sup>

An act Establishing forms of Oaths &c. having passed the House, Read & Concurred with this amendment to wit, in the Last Line in the Form for a Juror's Oath in Criminal Cases after the word "you" in the Last Line Insert the following words, "In Court," & in the form of Oaths for Jurors before a Justice Court in Civil Cases after the word "evidence" in the Last Line add these words "Given you in Court & the Laws of this State."

An act Directing the proceedings against Trustees of Concealed or Absconding Debtors &c. having passed the House, Read & Concurred with the following proposals of Amendment to wit, In the Nineteenth Line of the fifth Section after the word "trustees" erase the words "& if" & Insert "provided always that the Court before which such process or action shall be brought shall allow the Trustee or Trustees to retain in his, her or their hands and possession of the Money, Goods, Chattels, rights or Credits of such principal Debtor sufficient to Indemnify such Trustee or Trustees for his, her or their reasonable costs, which shall be Taxed by the Court, if there be sufficient to satisfy the same, but if on examination as aforesaid it shall appear that such Trustee or Trustees had not at the time of serving such process as aforesaid or at the time he, she or they had notice of the same, or at any time since, sufficient to Indemnify him, her or them for his, her or their reasonable Costs, no Judgment shall be rendered against such Trustee or Trustees on such process, but all proceedings shall be staid against such Trustee or Trustees, but the Court may render Judgment thereon in favour of such Trustee or Trustees for the Residue of such reasonable costs to be Taxed as aforesaid against the plaintiff or plaintiffs in such process, and execution may Issue accordingly and no further proceedings shall be had upon such process against the principal Debtor Unless he shall have had notice or actually appeared & answered as is before provided in the fourth section of this act—provided nevertheless that if it shall appear on ex-

<sup>1</sup> Asking a committee of conference. This entry is misplaced.

amination as aforesaid that such Trustee or Trustees shall have fraudulently endeavoured to Conceal the Money, Goods, Chattels, rights or Credits of the principal Debtor in his, her or their hands & possession, or unduly or unreasonably have Delayed the examination and Trial of the action, in all such cases the Court shall have power to Tax costs for or against the Trustee or Trustees in whole or in part according to the equity of the case as shall be thought Just and reasonable on consideration of all the circumstances of the case, and Issue execution accordingly. Sect. VI, and it is hereby further enacted that if execution shall Issue against the goods and Chattels of the principal Debtor in the possession of the Trustee or Trustees.

Adjourned Untill 9 Oclock to Morrow Morning.

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TUESDAY Oct. the 31 Day A. D. 1797.

Met according to adjournment.

A resolution from the Council requesting the House of Representatives to furnish the Council with a Copy of their Journals relative to their proceedings upon the Bill entitled an act relating to the Office and Duty of an Attorney General &c.

An act assessing a Tax of One Cent & one half per acre on all the Lands in Killington [Sherburne] &c. having passed the House, read & Concurred.

An act empowering Damarious [Damaris] Harrington to Deed Lands in Middlesex in a Certain Case therein mentioned &c. having passed the House, Read & Concurred.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

Maj. Gen<sup>l</sup> Whitney and Brigadier Gen<sup>l</sup> Sam<sup>l</sup> Strong appeared in Council & were by his Excellency the Gov<sup>r</sup> duly Qualified to their Offices respectively as the Law prescribes.

An act prescribing forms of writs &c. & other proceedings having passed the House, Read & Concurred.

An act restoring Aaron Barlow to his Law in a Certain Case therein Mentioned &c. having passed the House, Read & Concurred.

An act for the support of Schools &c. having passed the House, Read & Concurred.

An act empowering the Selectmen of the Town of Bennington to appropriate Certain Lands for the benefit of highways &c. having passed the House, Read & Nonconcurred, & that Judge Olin be requested to Assign the reasons for said nonconcurrence to the House of Representatives.

An act granting payment to the several State's Attornies & Clerks of the Supreme Court &c. having passed the House &c. Read & Concurred with this proposal of Amendment that there be allowed to Nathan Osgood Esq<sup>r</sup> the sum of thirty five Dollars & 23 Cents for his services as a Clerk to the same said Supreme Court &c.

Adjourned Untill 9 Oclock to Morrow Morning.

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WEDNESDAY Nov. the 1 d. A. D. 1797.

Met according to said adjournment.

A resolution from the House of representatives requesting the Gov<sup>r</sup> & Council to Join them in Grand Committee at 9 Oclock this Morning



for the Purpose of Electing an Auditor of Public Accounts against this State & Surveyor General, Read and Resolved to Join accordingly.<sup>1</sup>

An act assessing a Tax of Two Cents & an half per acre on all the Lands in Andover having passed the House &c. Read & Concurred.

An act assessing a Tax of One Cent per acre on all the Lands in Fairhaven & Westhaven &c. having passed the House, read & referred to Messrs. Jacob & Williams a Committee to examine said act & make their report thereon.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

An act Directing the Treasurer of this State to take security of Stephen Jacob & Benjamin Stebbins Esquires in a Certain Case therein Mentioned &c. having passed the House, Read & Concurred with this Amendment to wit, in the Ninth Line as numbered after the word "Installments" Insert the words hard money, Hard Money Orders, or Treasurer's notes.

An Act in addition to an act granting a Tax on Fairlee &c. having passed the House, Read & Referred to Judge Knoulton to report amendments thereon if Necessary &c.

An Act Directing the Treasurer of this State to pay a Certain sum of Money as therein mentioned &c. having passed the House, Read & Concurred.

An Act establishing the Divisions of Land in Bethel having passed &c. Read & Nonconcurred & that Mr. Williams be requested to assign the reason therefore to the House of Representatives.

An Act granting to Elkanah Stevens & Others the Exclusive Right of Locking White River &c. having passed the House &c. Read & Concurred.

An Act assessing a Tax of three Cents per acre on the Town of Johnson &c. having passed the House, Read and Concurred with the following proposals of amendment to wit, and be it further enacted that if any monies should remain unexpended after the Completion of one or more Bridge or Bridges over said River La Moile, the same shall be expended in repairing Roads in said Town &c.

An Act assessing a Tax of one half Cent per acre on all the Lands in the Town of Glover &c. having passed the House, Read & Concurred with this proposal of amendment to wit, after the word "Tax" in the thirteenth Line add these words, who is hereby appointed a Collector for that purpose.

An Act assessing [a tax] of Two Cents per acre on all the Lands in that part of Goshen Lying in Addison County &c. having passed the House &c. Read & Concurred.

Adjourned Untill 9 Oclock to Morrow Morning.

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THURSDAY Nov. 2 d. A. D. 1797.

Met according to adjournment.

An act Directing the Treasurer of this State to pay to the Selectmen of Bennington the sum of forty three Dollars & fourteen Cents &c. having passed the House, Read & Concurred.

The act establishing the Divisions of Land in Bethel &c. being taken up again & on motion resolved to Rescind from the former resolution taken upon said Act & Concurred in the following proposal of Amend-

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<sup>1</sup> Seth Storrs was elected Auditor, and James Whitelaw Surveyor General.

ment to wit, therefore it is hereby enacted by the General Assembly of the State of Vermont that the proprietors of Bethel be and they are hereby empowered at any Legal meeting warned for that purpose to ratify & Establish all or any of the Divisions made in said Town, and if hereafter, at any meeting of said proprietors warned as aforesaid said proprietors shall vote to ratify & Establish all or any of the Divisions made in said Town either before or after the Issuing their Charter, [said vote] shall be considered as good and valid in Law and any person may and are hereby empowered to give the records of the Divisions of said proprietors so Ratified and Confirmed in evidence the same as tho' they were regularly & Legally made.

An act Directing the times & places for holding Probate Courts within and for the District of Bradford and Randolph in the County of Orange &c. having passed the House, Read & Nonconcurrent and that Gov<sup>r</sup> Brigham be appointed to Assign the reasons to the House of Representatives for said Nonconcurrency.

The act empowering the Selectmen of the Town of Bennington to Appropriate Certain Lands &c. Returned from the House of Representatives by Mr. Robinson a Member with their reasons for their adherence to said act.

The act for the revival of and in addition to an act entitled an act Granting a Tax of three Cents on each acre of Land in the Township of Fairlee &c. having passed the House, Read & Concurred with the following proposal of amendment to wit, erase the whole of said act except the words "an act" & Insert the following Lines and words to wit, In addition to an act entitled an act granting a Tax of three cents per acre on each [acre] of Land on the Township of Fairlee in the County of Orange for the purpose of Making Roads & Building Bridges, passed the 22d. of February A. D. 1797.—Whereas the Committee Appointed in & by said act have not been able to Lay out the whole of the Monies arising from said Tax the preceding season agreeably to Law, and whereas it appears to this Assembly that it wou'd be greatly beneficial to the Public to have the Post road thro' said Town Completed the present year, therefore it is hereby enacted by the General Assembly of the State of Vermont that said Committee be and they are hereby Authorized and impowered to Lay out the residue of said Tax at any time in the present year, any thing in this or any other act [or] acts of this State to the Contrary notwithstanding. And it is hereby further enacted that the County Court of said County be and they hereby are Directed to allow the same price for Labour which shall be Laid out in pursuance of this act as is Directed to be allowed in the months of Nov. & December in & by an act of this State entitled an act regulating the Disposition of Monies raised by Tax on Lands in the several Towns in this State for the Purpose of Making and repairing roads & Building Bridges passed Nov. the 2'd A. D. 1796.

Adjourned Untill 2 O'clock in the Afternoon.

Met according to adjournment.

An act assessing a Tax of three Cents per acre on all the Lands in Stamford for the purpose of Making roads & Building Bridges &c. having passed the House, Read & Concurred.

An act to Establish the doings of the Selectmen of Hartland &c. having passed the House &c. Read & Concurred.

An act empowering the Administrators on the Estate of Hilkcot [Hilkiat] Grout Late of Weathersfield &c. to Deed Certain Lands as therein Specified &c. having passed &c. Read & Concurred.

The resolution taken Yesterday upon the act assessing a Tax of Two Cents on each acre of Land in that part of Goshen Lying in the County

of Addison being reconsidered the said Act was Concurred in with the following proposal of Amendment to wit, in the tenth Line in the first sect. after the word "Hancock" insert these words—and for the Laying out a Road & making one thro' said Town from Brandon to Ripton &c.

A Bill appointing a Committee to fix the place for holding Courts in Franklin County &c. having passed the House, read & Concurred with the following proposals of Amendment to wit, erase the whole of the preamble to said Act except the Two first Lines and a part of the third Line so far as to include the word Franklin &c. Also erase the whole of the Last enacting Clause.

Adjourned Untill 9 Oclock to Morrow Morning.

[FRIDAY, Nov. 3, 1797.]

Met according to Adjournment.

The Act Appointing a Committee to Lay a County road from Chelsea to Danville &c. having passed the House, Read & Concurred.

An Act empowering Silas Crosby Administrator on the estate of Jared Crosby Deceased to sell Lands &c. having passed the House &c. Read & Concurred.

A resolution from the House requesting the Gov<sup>r</sup> & Council to Join in Grand Committee at 2 Oclock in the Afternoon for the Purpose of Electing a Brigadier General in the second Brigade and third Division [and second brigade of the fourth division] of the Militia of this State. [Resolved to Join accordingly.]

Adjourned Untill 2 Oclock in the Afternoon.

Met according to Adjournment.<sup>1</sup>

The Gov<sup>r</sup> & Council then proceeded to the House of Representatives & Joined them in Grand Committee according to their Concurrent resolutions taken in the forenoon of this Day—& after the Dissolution of

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<sup>1</sup> The following resolution of the Governor and Council was not entered on the journal of that body, but was sent to the House, and was printed in its journal.

From the printed *Assembly Journal*, Nov. 3 1797 :

The following resolution was received from the governor and council, viz.

IN COUNCIL, November 3, 1797.

Whereas by an existing law, directing the mode of passing bills, and by the constitution of this state, it becomes the duty of the house of representatives, on receiving a bill from the council, with the proposals of amendment thereto, to proceed to try the sense of the house, whether they will concur with the council in the amendments proposed, and on non-concurrence to return the bill to the council, with the reasons of their dissent, that the council may proceed further thereon. And whereas it appears from the journals of the house of representatives, that the bill entitled "An act relating to the office and duty of an attorney general, state's attornies, clerks of the supreme and county courts, and county treasurers," returned to the house of representatives, by the council, on the 23d of October last, with proposals of amendment, has been dismissed by the house without acting on the amendments so proposed as aforesaid contrary to the opinion of the council, to the express letter of the law, and a just construction of the constitution : Therefore, Resolved, That it be recommended to the house of repre-

said Committee the Gov<sup>r</sup> & Council returned to the Council Chamber and reassumed the Business of the Day.<sup>1</sup>

An Act Directing the Treasurer of this State to pay Elisha Clark for his services as Auditor of Public Accounts fifty Two Dollars &c. having passed the House of Representatives &c. Read & Concurred.

An Act assessing a Tax of Two Cents & one half per acre on all the Lands in Enosburgh &c. to make a Bridge across Missisqui River & Repair Roads &c. [having passed the House.] Read & Concurred with the following proposals of Amendment—to wit, In the Title of the act & in the third Line of the enacting Clause erase the words “& an half,” & at the Close of the Act add the following providing Clause Viz: Provided Nevertheless and it is further enacted that the Collector of said Tax shall have no power to sell any Lands for the payment of the same Untill after Two years from the passing of this Act, and it is also further provided that the aforesaid Committee shall [not] be entitled to Charge or receive any more pay for their services in advertising & Directing the expenditure of Monies arising on said Tax than they would be entitled to receive if they Lived in the said Township of Enosburgh.

Adjourned Untill 9 Oclock to Morrow Morning.

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SATURDAY Nov. the 4 d. A. D. 1797.

Met according to Adjournment.

The Hon<sup>l</sup> Judges of the Supreme Court of Judicature Appeared in Council & were by his Excellency the Gov<sup>r</sup> Duly Commissionated & sworn to their said Office respectively.

An Act Declaring the Manner in which Accounts shall be kept &c. having passed the House of Representatives &c. Read & Concurred.

Adjourned Untill 2 Oclock in the Afternoon.

Met According to Adjournment.

An Act Adopting the Common Law of England &c. having passed the House of Representatives &c. Read & Concurred.

An Act Assessing a Tax of Two Cents per acre on all the Lands in Newfane &c. having passed the House of Representatives, Read & Non-concurred & Mr. Olin is Appointed as a Member to Assign the reasons therefor to the House &c.

An Act for Quietting the Heirs of William Utley Late of Brumley [Peru] Deceased &c. having passed the House of Representatives &c. Read & Concurred.

A resolution from the House of Representatives Appointing a Committee of One Member from each County to Join such Committee as the Council shall please to Appoint to Ascertain the Hard money in the Treasury and Apportion the same among the Members & Officers of the Legislature &c. Resolved that Judge Olin be Appointed to Join said Committee.

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sentatives, to proceed and act upon the amendments proposed by the council, in the manner prescribed by law.

A true extract from the journals, Attest, TRUMAN SQUIER, *Secretary*.

In the House this matter was debated largely on the 4th of November, and on the yeas and nays the House refused to reconsider the vote dismissing the bill—yeas 38, nays 65.

<sup>1</sup>The Brigadier Generals elected were Martin Chittenden and Cornelius Lynde.

An Act for Establishing Addison County Grammar School &c. having passed the House of Representatives &c. Read & Concurred with the following proposals of Amendment to wit, in the fifth Line in the Title of the act erase the word "Middlebury" & Insert the word County in its Stead,—in the the Eleventh Line in the first page erase the word "Middlebury" & Insert Addison County in its Stead—in the second page in the first Line erase the word "Middlebury" & Insert Addison County—in the tenth Line after the word "made" [insert] within said County of Addison &c.

Adjourned Untill 9 Oclock to Morrow Morning.

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WINDSOR Wednesday Nov. the 8 d. A. D. 1797.

Met according to adjournment.

An act for granting a Tax of three Cents per acre on all the Lands in the Town of Concord &c. having passed the House of Representatives &c. Read & Concurred.

An Act Directing the Treasurer of this State to pay to the Selectmen of Northhero sixty six Dollars & fifty nine Cents &c. having passed the House of Representatives &c. Read & Concurred.

An Act Assessing a Tax of One Cent per acre on the Town of Holland &c. having passed the House of Representatives &c. Read & Concurred.

An Act in addition to an Act assessing a Tax of Twopence per acre on all the Lands in the Town of Craftsbury &c. having passed the House &c. Read and Concurred.

The Hon. Martin Chittenden Esq. appeared in Council & was Duly Qualified to his Office as Cheif Judge of the County Court within & for the County of Chittenden for the year ensuing.

An Act granting a Tax on Lincoln of Two Cents per acre &c. having passed the House of Representatives &c. Read and Concurred.

The Hon<sup>ble</sup> Cornelius Lynde & Martin Chittenden appeared in Council and were Duly Qualified by his Excellency the Gov<sup>r</sup> to their respective Office<sup>s</sup> as Brigadier Generals &c.

An Act in addition to an Act granting to Israel Converse &c. the right of running a Stage from Windsor to Burlington &c. having passed the House of Representatives &c. Read and Concurred.

An act assessing a Tax of Two Cents per acre on all the Lands in Darby [Derby] &c. having passed the House of Representatives &c. Read and Concurred.

An Act appointing a Land Tax in Fletcher &c. having passed the House of Representatives &c. Read and Concurred.

An Act Directing the Treasurer of this State to pay to the Selectmen of Dummerston the sum of forty six Dollars & Eight cents &c. having passed the House of Representatives &c. Read & Concurred.

An Act assessing a Tax of Two Cents per Acre on all the Lands in Whiting &c. having passed the House of Representatives, Read and Concurred.

An Act empowering Asa Tilden Administrator to the Estate of Benj. Follett to sell all the real Estate of the Deceased &c. having passed the House of Representatives &c. Read & Concurred.

An Act suspending all Civil prosecutions against Simeon Hagar for three years &c. having passed the House of Representatives &c. Read and Nonconcurrent & M<sup>r</sup>. Olin is appointed to return s<sup>d</sup> act & assign the reasons for said nonconcurrence.

An Act assessing a Tax of Two Cents per acre on all the Lands in

Sterling &c. having passed the House of Representatives, &c. Read and Concurred.

An Act Appointing a Collector of a Land Tax in Fairfield &c. having passed the House of Representatives &c. Read and Concurred.

An Act Directing the Treasurer of this State to pay the Selectmen of Shelburn the sum of Twenty five Dollars & 45 Cents &c. having passed the House &c. Read and Concurred.

An Act in Addition to an Act entitled an Act Organizing the Counties of Franklin & Caledonia &c. having passed the House &c. Read and Concurred.

An Act Authorizing Reuben Bradley to Deed Lands &c. having passed the House &c. Read and Concurred.

An Act Laying out & Establishing a Road thro' S<sup>mt</sup> Johnsbury & Lyndon having passed the House &c. Read and Concurred.

An Act in Addition to an act constituting the Supreme Court of Judicature, County Courts, and Defining their powers &c. having passed the House &c. Read & Concurred.

An Act assessing a Tax of three cents per acre on all the Lands in Orange &c. having passed the House &c. Read and Concurred.

An Act Assessing One Cent & an half per acre on Georgia &c. having passed the House &c. Read and Nonconcurred, And Mr. W<sup>m</sup> is appointed to Assign the reasons therefor to the House &c.

An act empowering Joel Foster and Jerusha Washburn Adminis<sup>rs</sup> on the Estate of Daniel Washburn Deceased &c. to Deed One hundred acres of Land &c. having passed the House &c. Read and Concurred.

An Act in addition to an act entitled an Act granting Leave to Jabez Rogers of Middlebury to raise Twelve hundred Dollars by Lottery for his benefit &c. having passed the House. Read and Concurred.

An Act Describing the Division Line between the Towns of Burlington & Williston &c. having passed the House &c. Read and Concurred.

An Act Authorizing the proprietors of Leicester to Divide their Lands by pitching &c. having passed the House &c. Read & Concurred.

An Act assessing a Tax of three cents per acre on all the Lands in the Town of Barnett &c. having passed the House, &c. Read & Concurred.

Adjourned Until 2 Oclock in the Afternoon.

Met according to adjournment.

An Act in Addition to and Alteration & in revival of an Act entitled an act assessing a Tax of Twopence per acre on all the Lands in Milton &c. having passed the House &c. Read and Concurred with the following proposals of amendment to wit, erase the four first Lines of the Preamble and in the third Line of the first Section erase the word "three" & Insert the word Two instead thereof.

An Act suspending all prosecutions against Simeon Hager for three years returned by Mr. Marsh a Member with the adherence of the House &c. to their said act.

A Bill repealing the 10<sup>th</sup> Section of the Act Defining what shall be Deemed and adjudged a Legal Settlement &c. having passed the House &c. Read & Concurred.

An Act empowering Samuel Wheat to Sell Lands &c. having passed the House &c. Read and Concurred.

An Act granting to Joseph Marks Liberty to redeem his Farm &c. having passed the House &c. Read and Concurred.

An Act regulating fees &c. having passed the House &c. Read & Concurred with the following proposals of Amendment to wit, in the first page under the title Gov<sup>r</sup> fees erase the three Last Lines—under the title Councillor's fees erase fifty Cents—& seventy five cents under the

title Justice's fees at the bottom of the seventh page—erase one Dollar & insert seventy five cents under the title Clerk's of the Supreme & County Courts fees page Ninth. In the Article relating to the recording all Deeds to be by Law recorded in the County Clerk's office the same fees as are allowed to Town Clerks for like services—page tenth under the title Sheriff's, Constable's & Collector's fees at the beginning of the eighteenth Line insert the word Sheriffs, and at the end of said Line Insert fifty Cents. After the Nineteenth Line Insert the words Sheriffs for attending the Supreme & County Courts per day eighty one cents, Constables for like services seventy five Cents—page eleventh at the end of the Eight Line erase the figure five and Insert the figure four—in the Ninth Line erase five & Insert four—Line the tenth erase seventy five & Insert fifty. Line Twelvth at the end erase five & Insert four, Page Twelvth Line third after the word "Complaint" Insert the words before a Justice of the Peace—at the end of the fifth Line erase the figure five & Insert four. Page thirteenth Line third at the end erase eighty one & Insert seventy five cents, erase the fourth Line Under the Title Sheriff's fees, after the words one Dollar add fifty cents in Sheriff's fees for attending the Assembly, & also insert for Attending Supreme & County Courts per Day one Dollar, Constable's fees for Like services &c. seventy five cents.

Adjourned Untill 9 Oclock to Morrow Morning.

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THURSDAY Nov. the 9<sup>th</sup> A. D. 1797.

Met according to adjournment.

An Act Directing the Treasurer of this State to pay to Benj. Cadey the sum of Twelve Dollars &c. having passed the House &c. Read & Concurred.

An Act granting to Samuel Campbell a New Trial in a Certain Cause therein mentioned &c. having passed the House &c. Read & Concurred.

An Act Directing the Treasurer of this State to pay to the Selectmen of the South Hero the sum of One hundred & nine Dollars & sixty six Cents &c. having passed the House &c. Read & Concurred.

An Act Assessing a Tax of three Cents per acre on all the Lands in Irasburgh & Coventry &c. having passed the House &c. Read & Concurred.

An Act Directing the Secretary of State to Make an Alteration in an Act as therein mentioned &c. having passed the House &c. Read & Concurred.

An Act Appointing New Managers in the Connecticut River Lottery &c. having passed the House &c. Read & Concurred.

The Hon<sup>ble</sup> Samuel Williams, John Strong, Samuel Safford, Cornelius Lynde, William Chamberlain, & Gideon Olin were Duly Qualified to their respective Offices as Judges of the County Courts by his Excellency the Gov<sup>r</sup> in the presence of the Council.

The Act Suspending all Civil prosecutions against Simeon Hager for the Term of three years, which was Nonconcurrent in by the Council, being returned adhered too by the House &c. Resolved to Rescind from said nonconcurrency & Concur, with the following proposal of amendment to wit, provided nevertheless, & it is hereby further enacted that the said Simeon Hager shall take no Benefitt by this Act untill he gives bonds with one or more sureties to the acceptance of one of the Judges of the County Court of Bennington County in the sum of One thousand Dollars to his Creditors generally, Conditioned that the said Simeon shall not waste, embezzle, secrete, or Destroy any of his Estate with intent to Defraud any one of his Creditors, which bond shall be filed with

the Clerk of such County Court, and each Creditor on any breach of said Condition shall have right of Action in his own name on said Bond, a Copy of which attested by the Clerk of said County Court may be read in evidence on any such action & have the same Operation as if such Creditor had been severally named in such Bond & the same was produced in Court.

IN COUNCIL Nov. the 9 day A. D. 1797.

Resolved that the House of Representatives be requested to furnish the Gov<sup>r</sup> & Council with a Copy of their Journals of their proceedings on the resolution of Council of the 3<sup>d</sup> Instant recommending to the House of Representatives to proceed to Act upon the amendments proposed by Council to the Bill entitled an Act relating to the Office & Duty of Att'y General, State's Attornies, Clerks of the Supreme & County Courts, & County Treasurers, that the Council may be enabled to proceed on a Bill now before them in part embracing the same Objects &c.

An Act Directing Leather Sealers in their Office & Duty and regulating the sale of Leather, boots & shoes, the Manufacture & sale of Iron & Nails &c. having passed the House of Representatives &c. Read & Concurred.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

An Act Directing the Treasurer to pay to the Selectmen of Norwich the sum of &c. having passed the House, read & Concurred.

An Act assessing a Tax of half a Cent on each acre of Land in the Town of Williston &c. having passed the House &c. Read & Concurred.

An Act assessing a Tax of one Cent per acre on all the Lands in the Townships of Fairhaven & Westhaven &c. having passed the House &c. Read & Concurred with proposals of Amendments &c.

An Act for the Limitation of Actions &c. having passed the House &c. Read & Referred to Mess<sup>rs</sup>. Jacob & Lynde to examine & make report &c.

An Act Directing the Treasurer to pay [\$103.66] the expences of Election Day &c. having passed the House &c. Read & Concurred.

An Act entitled an act pointing out the Mode of Collecting Land Taxes in several Towns in the County of Chittenden &c. having passed the House of Representatives, Read & Concurred.

An Act Directing proprietors' Clerks to Deliver over to Town Clerks upon the Dissolution of proprietorship all records of said Office &c. having passed the House of Representatives &c. Read & Concurred.

The Gen<sup>l</sup> Assembly having Concurred in the resolution of Council for meeting in Grand Committee &c. the Gov<sup>r</sup> & Council agreeable to the Concurrent resolutions of both Houses met in Grand Committee accordingly—and after the Dissolution of the Grand Committee Gov<sup>r</sup> & Council returned to the Council Chamber & proceeded to the Business of the Day.

A resolution from the House of Representatives with respect to the Debentures of this Session & how the same shall be made up for this Session to wit, the Members of the Assembly & Officers attending them & all other Officers waiting on the Legislature shall be made up agreeable to the Bill that has passed the House this Session, & that the Councilors' fees shall be made up at one Dollar & 75 Cents per Day—Read & Concurred.

An Act Confirming to Jonathan Chase Esq. & other proprietors of Cornish Bridge the exclusive right of Building Toll Bridges over Connecticut River between Cornish & Windsor &c. having passed the House of Representatives &c. Read & Concurred.



An Act Directing the Treasurer of this State to pay Wesley Perkins the sum of 26 Dollars & sixty six Cents having passed the House of Representatives, Read & Nonconcurrent & Mr. Williams is appointed to Assign the reasons to the House for said Nonconcurrency.

An Act in Addition to an Act entitled an act regulating proprietors' Meetings &c. having passed the House of Representatives &c. Read & resolved that it be recommended to the House to Lay over said act untill the next Session of the Legislature.

Adjourned Untill 9 Oclock to Morrow Morning.

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FRIDAY Nov. the 10 d A. D. 1797.

Met according to adjournment.

The Debenture of Council being made out amounting in the whole to the sum of 922 Doll: & 57 Cents, Read & by the House of Representatives Approved of, Resolved that Mr. Robinson be appointed to receive the Debenture of Council &c.

IN COUNCIL Nov. the 10 d. A. D. 1797.

Resolved that his Excellency the Gov<sup>r</sup> be advized to proceed in making Detachments from the Militia of this State to supply the Quota of Troops required by the Government of the United States in such manner as he shall Judge most proper & Convenient.<sup>1</sup>

An Act assessing a Tax of one Cent per acre on all the Lands in this State for the support of Government &c. having passed the House of Representatives &c. Read & Concurred with the following proposals of amendment to wit, in the third section after the word "Borough" Insert North Districk [district] & New Borough South Districk—in the same section after the word "Londonderry" Insert Sommerset—in the same section erase the Names of the following Towns to wit, "Chittenden, Philidelphia"—in the same section to the Names of the Towns in Cal-edonia County Insert Grotton. Sect. 12, In the Line 13<sup>th</sup> after the word "advertisement" Insert these words: in which shall be specified the Names of all the several Towns or Gores of Land upon which the Tax has not been paid. Sect. 13<sup>th</sup>. after the word "shall" in the third Line erase the whole Clause & insert these words Viz. between the Hours of Nine Oclock in the forenoon & the setting of the sun the same Day or Days on which the same may be holden, & every sale which shall not be made within the Period of the Day or Days above prescribed is Declared to be Null & Void.

An Act regulating the printing, binding, Distribution & Sale of the Revised Laws of this State &c. having passed the House of Representatives &c. Read & Concurred.

The Act repealing certain acts therein Mentioned having passed the House of Representatives &c. Read & Concurred with the following proposals of amendment to wit, erase the Two first Lines in the 12<sup>th</sup> page 33 section—2<sup>d</sup> in the third Line erase the word "July" & Insert the word August.

Adjourned Untill 2 Oclock in the Afternoon.

Met according to adjournment.

An Act suspending the Operation of Certain Acts therein mentioned & for other purposes brought into Council by Mr. Jacob, Read & passed & Ordered to be sent to the House of Representatives for their Concurrence &c.

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† See Appendix F.

An Act for the Inspection of Beef, Pork, &c. &c. having passed the House of Representatives, Read & Concurred.

An Act Appointing State's Attornies, Clerks of the Supreme Court in the several Counties in this State &c. Regulating their Office & Duty &c. having passed the House of Representatives &c. Read & Concurred.

An Act correcting the errors in the proceedings of Westford &c. having passed the House of Representatives &c. Read & Concurred.

A resolution from the House Appointing three Members as a Committee to Join such Committee as the Council shall please to appoint for the purpose of reporting an act for the Appropriations for the present year &c. Resolved that Judge Robinson be Appointed to Join said Committee.

An Act for the Appropriations for the present year &c. having passed the House &c. Read & Concurred with this amendment, that there be allowed to Mr. West 15 Dollars Instead of ten Dollars.

Information is sent from the House by a Member that they have concurred in the Act sent Down from Council relating to the suspending the Operation of Certain Acts therein mentioned & for other purposes &c.

The Act regulating fees &c. returned to the Council from the House of Representatives &c. with proposals of amendment Nonconcurred in. On Motion of Mr. Jacob shall the act be suspended untill next Session of the Legislature. Resolved to suspend said act accordingly. Mess<sup>rs</sup> Safford, White, & Olin moved to have their Dissent entered Upon the Journals, which was granted. Resolved that Mr. Williams be Appointed to return said act to the House &c.

An Act to Continue in force the several Acts relating to fees &c. Read, Passed & Ordered to be sent to the General Assembly for their revision, Concurrence, or proposals of Amendment.

Resolved that his Excellency the Gov<sup>r</sup> be advised to Appoint the second Wednesday of April next to be Observed as a Day of Humiliation, Fasting & prayer thro'out this State &c.

#### DEBENTURE OF COUNCIL.

His Honor the Lieut. Gov <sup>r</sup>	Miles Travel.	Days Atten.	Doll. Total	& Cents. amount.
Paul Brigham Esq <sup>r</sup>	22	30	122	64
& the Honorable				
Samuel Safford	90	30	63	30
John Strong	90	30	63	30
Luke Knoulton	48	30	58	26
Ebenezer Marvin	130	19	64	57
Jonas Galusha	85	8	24	20
Gideon Olin	87	30	62	94
John White	125	30	67	50
Cornelius Lynde	55	30	59	10
Elijah Robinson	10	30	53	70
Samuel Williams	45	30	57	90
William Chamberlain	72	30	61	14
& Stephen Jacob Esq <sup>r</sup>	0	30	52	50
<i>Councillors.</i>				
Truman Squier Sec <sup>y</sup>	60	30	67	20
& Lucius Hubbard Sher <sup>iff</sup>	22	30	47	64
Mr. West's account for his Chamber &c.	0	0	10	0
	961	417	922	57

Both Houses concluded their Session at Windsor by adjourning without Day.

Attest,

TRUMAN SQUIER, Sec<sup>y</sup>.

# TWENTY-SECOND COUNCIL.

OCTOBER 1798 TO OCTOBER 1799.

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ISAAC TICHENOR, Bennington, *Governor*.

PAUL BRIGHAM, Norwich, *Lieut. Governor*.

## *Councillors:*

SAMUEL SAFFORD, Bennington,

JOHN STRONG, Addison,

LUKE KNOULTON, Newfane,

EBENEZER MARVIN, Franklin,

JONAS GALUSHA, Shaftsbury,

CORNELIUS LYNDE, Williamstown,

ELIJAH ROBINSON, Weathersfield,

SAMUEL WILLIAMS, Rutland,<sup>1</sup>

WM. CHAMBERLAIN, Peacham,

STEPHEN JACOB, Windsor.

NOAH SMITH, Bennington,<sup>2</sup>

TIMOTHY TODD, Arlington,

ABEL SPENCER, Clarendon,<sup>3</sup>

BENJAMIN BURT, Westminster.<sup>4</sup>

TRUMAN SQUIER, Manchester, *Secretary*, until Oct. 15 1798.<sup>5</sup>

RICHARD WHITNEY, Guilford, *Secretary*, on and after Oct. 15.

JOHN CHIPMAN, Middlebury, *Sheriff*.

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## BIOGRAPHICAL NOTICES.

NOAH SMITH was born at Suffield, Conn., and was a graduate of Yale College in 1778, having among his classmates Stephen Jacob, who was his colleague in the Council, and his successor on the bench of

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<sup>1</sup> Mr. Williams was elected to both Council and House, and served in the House.

<sup>2</sup> Resigned Oct. 29, 1798, to accept the office of Judge of the Supreme Court.

<sup>3</sup> Elected in Grand Committee and took his seat in the Council Oct. 13 1798.

<sup>4</sup> Elected in Grand Committee, vice Smith resigned, Oct. 29 1798.

<sup>5</sup> Mr. Squier resigned Oct. 12 1798, but consented to serve until a successor was appointed.

the Supreme Court—Noah Webster the lexicographer, Joel Barlow the poet, Gov. Oliver Wolcott, Chief Justice Zephaniah Swift, and U. S. Senator Uriah Tracy. On leaving college, Mr. Smith immediately removed to Bennington, and there he delivered an address, Aug. 16 1778, on the first anniversary of the battle of Bennington, for which see *Vermont Historical Society Collection*, Vol. 1. He was admitted to the bar of Vermont at Westminster, May 26 1779, with Stephen R. Bradley—these being the first admissions to the bar of Vermont. Bradley was appointed clerk of the court, and Smith State's Attorney within and for the county of Cumberland, *pro tempore*. In June of the same year he was appointed to the same office for Bennington County, which he held in 1780, from 1786 until 1789, and in 1791. He was Clerk of Bennington County Courts from 1781 until 1784; Judge of the Supreme Court in 1789 and 1790; appointed U. S. Collector of Internal Revenue in 1791; and again Judge of the Supreme Court from 1798 until 1801. He served as Councillor one year only. He removed from Bennington to Milton soon after 1800, and died there, Dec. 25 1812, aged 57.—*Vt. Hts. Soc. Collections*, Vol. 1; Slade's *State Papers*; Deming's *Catalogue*; *Vt. Legislative Directory*.

DOCT. TIMOTHY TODD represented Arlington in 1790, '91, '93, '94, and '95; was Councillor from 1798 until 1801; and delegate in the Constitutional Convention of 1791.—Deming's *Catalogue*. Of the Doctor's previous and subsequent life, no record is found, other than that he was an influential member in the first incorporated Medical Society in the State, and a poet ranking well among his contemporaries.—See in *Rutland Herald* of July 9 1798, and July 15 1799, two odes—the first by Thomas Green Fessenden, and the last by Dr. Todd.

ABEL SPENCER was among the inhabitants of Clarendon who left their homes on the approach of Burgoyne's army, in 1777, and joined the enemy. For this he was fined in the sum of one thousand pounds. In 1779 he petitioned for a remission of part of this fine, and one half was remitted.—See Vol. 1, pp. 69, 306. Spencer represented Clarendon in 1791, '2, '3, '6 and '7, and Rutland in 1802, '3, '6 and '7, and was Speaker in 1797 and 1802; was Councillor from Oct. 13 1798 until 1801; and State's Attorney in Rutland County from 1796 until 1803. He was the Federal candidate for United States Senator in Oct. 1802, and was defeated by Israel Smith, 111 to 85. Nov. 10 1807, Spencer was expelled from the House, by a unanimous vote, for theft.—Deming's *Catalogue*; and *Vermont Journal* of Oct. 26 1802.

BENJAMIN BURT was a member of the House at the date of his election as Councillor, and resigned his seat in the House and entered the Council on the 1st of November 1798. He was arrested as one of the court party at the Westminster massacre in 1775, but he soon joined the Vermont party; in 1781 was appointed a judge in the county court, and

in 1784 Quarter Master in Col. Stephen R. Bradley's Vermont regiment. He represented Westminster in the General Assembly in 1781, '86, '96 '97, and '98 until Nov. 1, and 1799; was Councillor from Nov. 1796 until Oct. 17 1799, when he resigned, choosing to serve in the House. He was judge of Windham county court in 1781, and from 1786 until 1803; and a member of the Council of Censors in 1792.—B. H. Hall's *Eastern Vermont*; and Deming's *Catalogue*.

RICHARD WHITNEY was an attorney of Windham county court, residing at Guilford in 1795. He was Clerk of the House of Representatives from 1792 until 1798, when he declined a re-election. On the resignation of Truman Squier, Oct. 15 1798, Mr. Whitney was appointed Secretary of the Governor and Council, and he held that office until 1804. His death occurred at Hinsdale, now Vernon, in May 1805, his age being 39.

## RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY HELD AT VERGENNES, OCTOBER 1798.

## STATE OF VERMONT SS.

Journal of the proceedings of the Governor and Council of the State of Vermont [at a session] begun and held at the City of Vergennes, within and for said State, on the second Thursday of October (being the eleventh day of said Month) in the Year of our Lord, one thousand, seven hundred and ninety eight—pursuant to the constitution, laws and resolves of said [State.] Present His Excellency Isaac Tichenor, Governor. His Honor Paul Brigham, L<sup>t</sup> Governor. The hon<sup>ble</sup> Samuel Safford, John Strong, Luke Knoulton, Ebenezer Marvin, Cornelius Lynde, John White, Jonas Galusha, Gideon Olin, Elijah Robinson, Samuel Williams, William Chamberlain, and Stephen Jacob, *Councillors*. Truman Squier, Esquire, *Secretary*. John Chipman, Esquire, *Sheriff*.

A resolution from the house, appointing a committee, consisting of two members from each County, to join such committee as the Council shall appoint, to receive, sort and count the votes for Governor, Lieutenant [Governor,] Treasurer and Councillors, for the Year ensuing, was received, in Council. Whereupon, On Motion, Resolved, That Messieurs Robinson, Jacob, Strong, Safford, Lynde and Knoulton, be appointed to join said committee appointed by the house. The Members appointed by the house are Messieurs Robinson, Ormsby, Cutler, Burt, Isaac Clark, Burnham, Jacob Smith, Olcott, Chipman, Thompson, Hatch, Farrand, Stanton, Hay, Wing, Leavenworth, Sheldon and Barlow. The members of which committee appeared before his Excellency the Governor and were qualified by Oath to their appointment, except Messieurs Hay, Burnham and Ormsby.

Adjourned until 5 o'clock in the afternoon.

5 O'CLOCK P. M.<sup>1</sup>

A Resolution from the house, requesting the Governor and Council to join the General Assembly immediately for the purpose of receiving the report of the committee of both houses appointed to receive, sort and count the votes of the freemen, for Governor, L<sup>t</sup> Governor, Treasurer

<sup>1</sup> No account of ceremonies of election day is found. The sermon was preached by Rev. Daniel C. Sanders, then of Vergennes, and later President of the University of Vermont.

and Councillors for the year ensuing. The same being read, On motion Resolved, That the Governor and Council do concur therein.

The Governor and Council then proceeded to the house for the purposes contained in the foregoing resolution, and having taken their seats, Mr. Safford, chairman of the committee appointed to receive, sort and count the votes for Governor, Lieutenant-Governor, Treasurer, and Councillors, for the year ensuing, handed in the following report, to wit:

"To the honourable General Assembly now sitting at the City of Vergennes: Your committee appointed to receive, sort and count the votes for Governor, Lieutenant Governor, Treasurer, and Councillors, for the year ensuing, Report, That his Excellency Isaac Tichenor, Esquire, is duly elected Governor, His Honor Paul Brigham, Esquire, Lieutenant-Governor, Samuel Mattocks, Esquire, Treasurer, and William Chamberlain, Ebenezer Marvin, Cornelius Lynde, Stephen Jacob, Elijah Robinson, Luke Knoulton, John Strong, Samuel Williams, Noah Smith, Timothy Todd, Samuel Safford and Jonas Galusha, Esquires, Councillors. (Signed) SAMUEL SAFFORD for committee.

"City of Vergennes, Oct: 11 1798."<sup>1</sup>

Whereupon, (The said report being first read), John Chipman, Esquire, sheriff of the County of Addison, by proclamation, declared said Officers, respectively, duly elected by the suffrages of the People.

The Governor and Council returned to their Chamber and adjourned until 9 O'Clock To-morrow morning.

FRIDAY, 12<sup>th</sup> Oct: 1798, 9 O'Clock A. M.

Met according to adjournment. Present, His Excellency, Isaac Tichenor, Esq: Governor, His Honor Paul Brigham, Esq: Lt Governor, Samuel Safford, John Strong, Luke Knoulton, Ebenezer Marvin, Cornelius Lynde, Jonas Galusha, Elisha Robinson, William Chamberlain and Stephen Jacob, Esquires. Councillors, Truman Squier Secretary.

The honourable Samuel Williams, Esquire, being officially informed of his appointment as a member of the Council, appeared, and resigned all his pretensions to that office.

Adjourned to 2 O'Clock in the afternoon.

2 O'CLOCK P. M.

Met according to adjournment.

The honourable Noah Smith and Timothy Todd, Esquires took their seats in Council, agreeable to their appointments.<sup>2</sup>

<sup>1</sup> The votes for Governor were as follows: Isaac Tichenor, 6,211; Moses Robinson, 2,805; scattering, 332.—See Ms. *Vermont State Papers*, Vol. 38, p. 188, for the votes for state officers and Councillors by counties.

<sup>2</sup> The Governor and Council then joined the House, and the Governor delivered a speech, for which see *Appendix J*.

On the same day Gov. Tichenor transmitted to the House a letter from Gov. Sumner of Massachusetts, covering resolutions of that State, in favor of an amendment to the Constitution of the United States on the eligibility of foreign born citizens to the office of President, Vice President, and member of either branch of Congress.—See *Appendix B*.

A resolution requesting the house of representatives to join the Governor and Council in grand-committee, at the opening of the house tomorrow morning, to elect a member to fill the vacancy in the Council by the resignation of the honourable Samuel Williams, Esquire.

A Resolution requesting the general assembly to appoint a committee to join the committee appointed by the Council, to take up the unfinished business of the last session. Members chosen by the Council, Messieurs Marvin, Jacob and Strong.

A Resolution from the house, appointing a committee, consisting of three persons to join such committee as the Council shall please to appoint—Members chosen by the house Messieurs Peter Wright, J. W. Blake and Amos Marsh. Resolved that Messieurs Jacob and Lynde be appointed to join said committee [to inquire whether any errors had occurred in counting the votes for state officers and councillors.]

Adjourned until 9 O'Clock To-Morrow Morning.

SATURDAY 13<sup>th</sup>. Oct<sup>r</sup>. 1798, 9 O'Clock A. M.

Met according to adjournment.

Agreeably to the concurrent resolution of both houses, the Governor and Council joined the house of representatives, for the purpose of electing a Councillor, vice Samuel Williams, Esq<sup>r</sup>. resigned, And the ballots of both houses being taken, Abel Spencer, Esquire was declared duly elected.

Adjourned to 2 O'Clock, in the afternoon.

2 O'CLOCK P. M.

Met according to adjournment.

Abel Spencer, Esquire, appeared in Council, and after being duly qualified by his Honor, the Lieu<sup>t</sup> Governor, took his seat.

Adjourned Until 9 O'clock Monday Morning next.

MONDAY, 15<sup>th</sup>. Oct<sup>r</sup>. 1798, 9 O'Clock A. M.

Met according to adjournment.

The following is a copy of a letter addressed to his Excellency and the hon<sup>ble</sup> Council by their secretary, viz.

"To his Excellency the Governor and hon<sup>ble</sup> Council—

"Gentlemen—Having had the honor of holding the office of Secretary to your Excellency and the hon<sup>ble</sup> Council for a series of years, I now find it as well incompatible with my interest, as interfering with the arrangement of my private and domestic concerns, to fill that office longer. I therefore, under the above circumstances, resign all pretensions to that office, and while I shall uniformly recognize your goodness, must solicit you, Gentlemen, to accept my resignation, and my best wishes for your future health, and happiness—and the prosperity of the State.—And have the honor to be Your Friend and very humble servant.

TRUMAN SQUIER.

"Vergennes, 12<sup>th</sup>. Oct<sup>r</sup>, 1798."

The same being laid before the Council and accepted, His Excellency, the Governor, nominated Richard Whitney, Esquire, late clerk to the general assembly, as secretary to the Governor and Council, to fill the vacancy occasioned by the Resignation of Truman Squier, Esquire, which nomination was unanimously approved by the Council. In consequence of which, his Excellency acquainted M<sup>r</sup>. Whitney by the following note : to wit—

"M<sup>r</sup>. Whitney,—On the resignation of M<sup>r</sup>. Squier, of the office of Secretary of Council, I have thought proper to nominate you to that office—



provided you see cause to accept it, M<sup>r</sup>. Squier will continue to serve, until you shall have taken the necessary oaths. I. TICHENOR.

"In Council 12<sup>th</sup>. Oct<sup>r</sup>, 1798."

Richard Whitney, Esquire, appeared in Council, and declared his acceptance of his appointment, to the office of Secretary to his Excellency the Governor and Council—and after being duly qualified before his Excellency and the honourable Council, immediately entered on the duties of his office.

Attest. [Blank left for the signature of Sec. Squier, which was never given.]

On Motion, Resolved, That the secretary to the Governor and Council carry and return all bills and resolutions to the House of Representatives, and deliver to them the directions of the Governor and Council thereon—unless the Governor and Council shall otherwise specially order and determine.

On Motion, Ordered, That the secretary furnish the house of representatives with a copy of the foregoing resolve.

A petition of the inhabitants of Lunenburg was sent up from the house of representatives requesting the council to join a committee appointed by the house thereon. The same being read—On Motion Resolved, That M<sup>r</sup>. Galusha join the afores<sup>d</sup> committee.

A petition of John Vance was sent up from the house of representatives, requesting the council to join a committee by them appointed thereon. On Motion Resolved, that M<sup>r</sup>. Todd do join the aforesaid committee.

A petition of General [Eli] Cogswell and others was sent up from the house of Representatives, requesting the Governor and Council to join them on the said petition, in grand-committee, at the opening of the house to-morrow morning, to take the same under consideration. The same being read, On motion Resolved, That the Governor and Council do join [on] the aforesaid petition, agreeably to the request of the house thereon.

Petitions from the land-owners and proprietors of Marshfield—two petitions from the inhabitants of Ryegate; and also a petition for a land tax in Worcester, were sent up from the house of representatives with this order endorsed on the same severally—viz.

"In General Assembly Oct<sup>r</sup>. 15<sup>th</sup>. 1798.

Read and referred to the committee appointed on the petition of the inhabitants of Lunenburg.

Attest, S. C. CRAFTS, Clerk."

The same being read, On Motion, Resolved, That the council do concur in the orders made by the house on the foregoing petitions respectively.

A petition of Timothy Clements was sent up from the house of representatives with this order thereon, Viz.

"In General Assembly 15<sup>th</sup> Oct<sup>r</sup>. 1798.

The within being read, was referred to Mess<sup>rs</sup>. D. Sheldon, Jewet, Witherill, Keyes, Chipman, Allis, Chamberlin, Beardsley, and Danforth, to join a Committee from Council. Attest, S. C. CRAFTS, Clerk."

The same being read, On Motion, Resolved, That M<sup>r</sup>. Todd do join in the afores<sup>d</sup>. Committee.

A petition for a land-tax on Billymead [Sutton,] was sent up from the house of representatives, with this order entered thereon, Viz.

"In General Assembly 15<sup>th</sup> Oct<sup>r</sup>. 1798.

The within petition being read, was referred to the committee appointed on the petition of the inhabitants of Lunenburg.

Attest S. C. CRAFTS, Clerk."

The same being read, On Motion, Resolved, That the council do concur in the order of the house thereon.

The following petitions were sent up from the house of representatives, viz. A petition of Andrew M<sup>c</sup>Gaffey, of Samuel Wyman, and of Nathaniel Bishop, with the following order entered on each, Viz..

“In General Assembly 15<sup>th</sup> Oct<sup>r</sup> 1798.

Read and referred to the committee appointed on the petition of John Vance, and that said committee report by bill, or otherwise.

Attest, S. C. CRAFTS, Clerk.”

The said petitions being severally read, On Motion, Resolved, That the council do concur in the orders on the foregoing petitions respectively.

The Council adjourned to 2 O’Clock P. M.

2 O’CLOCK P. M.

The Council met pursuant to adjournment.

A petition of Robert Holley was sent up from the house of representatives with this Order entered thereon, Viz.

“In General Assembly 15<sup>th</sup> Oct<sup>r</sup> 1798.

The within petition being read, was referred to the committee appointed on the petition of John Vance, to state facts, and make report.

Attest, S. C. CRAFTS, Clerk.”

The said petition being read, On Motion, Resolved, that the council do concur in the Order of the house thereon.

A petition of David Wing jun<sup>r</sup> was sent up from the house with this order entered thereon, Viz.

“In General Assembly Oct<sup>r</sup> 15<sup>th</sup> 1798.

Read and referred to Messieurs Putnam, Hatch, and J. Wright, to join a committee from Council, to state facts and make report.

Attest, S. C. CRAFTS, Clerk.”

The said petition being read, On Motion, Resolved, That M<sup>r</sup> Knoulton do join the aforesaid committee.

A petition of the land-owners of Plainfield was sent up from the house of Representatives, with the following order entered thereon, Viz.

“In General Assembly Oct<sup>r</sup> 15<sup>th</sup> 1798.

Read and referred to the committee appointed on the petition of the inhabitants of Lunenburg.

Attest, S. C. CRAFTS, Clerk.”

The said petition being read, On Motion, Resolved, That the council do concur in the order of the house thereon.

A petition of Samuel B. Sheldon was sent up from the house of representatives with the following order entered thereon, Viz.

“In General Assembly Oct<sup>r</sup> 15<sup>th</sup> 1798.

The within petition being read and referred to Messieurs Bigelow, S. Williams, Thompson, Anthony and Z. Curtiss to join a committee from Council, to state facts and make report.

Attest, S. C. CRAFTS, Clerk.”

The said petition being read, On Motion, Resolved, that M<sup>r</sup> Strong and M<sup>r</sup> Brigham do join the aforesaid committee.

The following resolution was sent up from the house of representatives, Viz.

“In General Assembly Oct<sup>r</sup> 15<sup>th</sup> 1798.

On Motion of M<sup>r</sup> Marsh, Resolved, That the Governor and Council be requested to join the house in Grand-Committee, on Wednesday morning, for the purpose of discussing the constitutionality of granting private acts of insolvency.

Extract from the Journals of the House.

Attest, SAM<sup>l</sup> C. CRAFTS, Clerk.

The said resolution being read, On Motion, Resolved, That the Governor and Council do concur therein, and that the hour be at the opening of the house in the morning. Ordered, That the Secretary acquaint the house of representatives of their concurrence in the foregoing resolution, and also of their resolution to join house in Grand-Committee on the petition of General Cogswell and others.

The Council adjourned until 9 O'Clock To-morrow morning.

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TUESDAY, 16<sup>th</sup> Oct<sup>r</sup> 1798, 9 O'Clock A. M.<sup>1</sup>

The Council met pursuant to adjournment.

The following resolution was sent up from the house of representatives, viz.

"In General Assembly 15<sup>th</sup> Oct<sup>r</sup> 1798.

Resolved, That the Governor and Council be requested to join the house of representatives in grand-Committee, on 9 O'Clock To-Morrow Morning, for the purpose of agreeing on a time, when to make the County nominations. Extract from the Journals of the house.

Exam<sup>d</sup>. Attest SAM<sup>l</sup>. C. CRAFTS, *Clerk.*"

The said resolution being read, On Motion, Resolved, That the Governor & Council do concur therein. Ordered, That the secretary do acquaint the house of representatives of the concurrence of the Governor and Council in the foregoing resolution.

A petition of Calvin Stowell and a petition of the selectmen of Weybridge were sent up from the house of representatives with the following order entered on each of them, viz.

"In General Assembly Oct<sup>r</sup> 15, 1798.

The within petitions were read and referred to the committee appointed on the petition of John Vance, to state facts and make report.

Attest, S. C. CRAFTS, *Clerk.*"

The said petitions being severally read, Resolved, That the council do concur in the orders of the house on the foregoing petitions respectively.

Petitions praying for land-taxes, on the towns of Landgrove and Duxbury, were sent up from the house of representatives with the following order entered on each of them, viz.

"In General Assembly Oct<sup>r</sup> 15<sup>th</sup> 1798.

The within petition being read was referred to the committee appointed on the petition of the inhabitants of Lunenburg, to state facts and make report.

Attest, S. C. CRAFTS, *Clerk.*"

The said petitions being read, On Motion, Resolved, That the Council do concur in the orders of the house on the foregoing petitions respectively.

A petition praying for a land-tax in Mooretown [Moretown] was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly 15<sup>th</sup> Oct<sup>r</sup> 1798.

The within petition was read and referred to Messieurs Bullock, Phin: Williams, Israel Smith, Spooner, E. Sheldon, Seeley, Ward, Burnham and Hurd, to join a committee from Council, state facts &c.

Attest, S. C. CRAFTS, *Clerk.*"

The said petition being read, On Motion, Resolved, That M<sup>r</sup> Smith do join the committee on the aforesaid petition.

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<sup>1</sup> Both houses met in Grand Committee on a petition of Maj. Gen. Eli Cogswell and others.—See *Appendix F*.

The following resolution was sent up from the house of representatives, viz.

"Resolved, That his Excellency the Governor and Council be requested to appoint a committee to join a committee which was chosen by this house for the purpose of reporting an address to the president of the United States.<sup>1</sup> Extract from the Journals,

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said resolution being read, On Motion, Resolved, That M<sup>r</sup>. Jacob and M<sup>r</sup>. Spencer do join the aforesaid Committee.

A petition of the proprietors of Pawlet was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup>. 15<sup>th</sup> 1798.

The within petition was read and referred to Messieurs Stanton, Hard and S. Williams, to join a committee from Council, state facts and make report.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition being read, On Motion, Resolved, That M<sup>r</sup>. Safford do join the committee on the aforesaid petition.

The Council adjourned to 2 O'Clock P. M.

2 O'CLOCK P. M.

The Council met pursuant to adjournment.

On Motion, Resolved, The house of representatives concurring therein, That the members of the respective Counties meet in County Convention on Wednesday next at 2 o'clock P. M. for the purpose of making the nomination of their respective County Officers—The resolve of the joint committee of this day notwithstanding.

Resolved further, The house of representatives concurring therein, That the two branches meet in joint committee, at the opening of the house on Thursday next at 2 O'Clock P. M. for the purpose of receiving the nominations of the several Counties, and appointing the different civil officers of Government.

Ordered, That the secretary lay the above resolutions before the house of representatives, and [ask] the concurrence of the house; and that he state to the house the reasons for passing the same.

M<sup>r</sup>. Wing, member of the house of representatives, appeared in the council and returned the foregoing resolutions, with the order of the house, thereon, viz.

"In General Assembly Oct<sup>r</sup>. 16<sup>th</sup> 1798.

On consideration, Resolved, That this house non-concur with the preceding resolutions of Council.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

and lay before the council the following resolution, viz.

"Resolved, That the Governor and Council be requested to join the house, in grand committee, at the opening of the house this afternoon, for the purpose of reconsidering the resolution, passed in joint committee of the two houses in the forenoon, "appointing Thursday for county nominations"—and for the purpose of appointing an earlier period for said county nominations, and for the purpose of appointing a time to receive the county nominations—and also to elect judges of the supreme court of judicature.

Extract from the Journals, Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said resolution being read and considered, On Motion, Resolved, That the Governor and Council do concur therein. Ordered, That the secretary acquaint the house of representatives of the concurrence of the Governor and Council in the foregoing resolution.

<sup>1</sup> See *Appendix H*.

A petition praying for the organization of the County of Essex was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly 16<sup>th</sup> Oct<sup>r</sup> 1798.

The within petition was read and referred to Messieurs Robinson, Weatherby, Thompson, Stanton, Hathaway, Allyn, Gallup and Hatch, to join a committee from Council, state facts and make report.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk.*"

The said petition being read, On Motion, Resolved, That M<sup>r</sup>. Todd and M<sup>r</sup>. Safford do join the Committee appointed by the house on the said petition.

A bill, entitled "An act for organizing the County [of] Essex," was sent up from the house of representatives, referred to the committee appointed on the last beforementioned petition. On Motion, Resolved, That the said bill [be] committed to the same Committee.

On Motion, Resolved, That all committees from the council shall be nominated from the Chair.

A bill, entitled "An act regulating fees," was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly, Oct<sup>r</sup> 16<sup>th</sup> 1798.

The within bill was read and referred to Messieurs Robinson, Chipman, and Hunt, to join such committee as shall be appointed by the council, to report thereon.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk.*"

The said bill being read, On Motion, Resolved, That M<sup>r</sup>. Robinson and M<sup>r</sup>. Knoulton do join the committee appointed by the house on the said bill.

A petition of William Duglass, in behalf of the proprietors of Goshen, was sent up from the house of representatives with this order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 16<sup>th</sup> 1798.

Read and referred to Messieurs Chipman, Allis and Shumway, to join a Committee from Council, state facts and make report.

Attest, SAM. C. CRAFTS, *Clerk.*"

The said petition being read, On Motion, Resolved, That M<sup>r</sup>. Marvin do join the committee appointed by the house on said petition.

The following resolution was sent up from the house of representatives, viz.

"In General Assembly Oct<sup>r</sup> 16<sup>th</sup> 1798.

Resolved, That the Governor and Council be requested to meet the house of representatives in grand-committee, at the opening of the house, To-morrow morning, for the purpose of taking under consideration the address to the President of the United States, as reported by the committee from both houses.

Extract from the Journals. Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk.*"

The said resolution being read, Resolved, That the Governor and Council do concur therein. Ordered, that the secretary do acquaint the house of representatives of the concurrence of the Governor and Council in passing said resolution.

A petition, praying for a land-tax on Burke, Newark and Westmore, was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 16<sup>th</sup> 1798.

The within petition was read and referred to a committee appointed on the petition for a land tax in Moretown, to state facts and make report.

Attest, S. C. CRAFTS, *Clerk.*"

The said petition being read, On Motion, Resolved, That the council do concur in the order of the house on the same.

The Council adjourned until 9 O'Clock To-morrow morning.

WEDNESDAY, 17<sup>th</sup> Oct<sup>r</sup> 1798, 9 O'Clock A. M.

The Council met pursuant to adjournment.

No business being before them, The Council adjourned until 9 O'Clock To-morrow morning.<sup>1</sup>

THURSDAY, 18<sup>th</sup> Oct<sup>r</sup> 1798, 9 O'Clock A. M.

The Council met pursuant to adjournment.

No business being before them, The Council adjourned until 9 O'Clock To-morrow morning.

FRIDAY, 19<sup>th</sup> Oct<sup>r</sup> 1798, 9 O'Clock A. M.

The Council met pursuant to adjournment.

No business being before them, The Council adjourned to 2 O'Clock P. M.<sup>2</sup>

2 O'CLOCK P. M.

The Council met pursuant to adjournment.

The petition of General [Eli] Cogswell and others was sent up from the house of representatives, with the proceedings of the grand-committee thereon, and requesting that a committee from the council may be chosen to join the committee appointed by the house thereon. The said petition and the proceedings of the grand-committee being read, On Motion, Resolved, That M<sup>r</sup> Brigham and M<sup>r</sup> Lynde do join the committee appointed by the house on the said petition and proceedings of the grand-Committee thereon.

A petition, praying for a land-tax on Westmore—A petition, praying for a land-tax on Hardwick—A petition, praying for a land-tax on Winhall—A petition, praying for a land-tax on Minehead [Bloomfield,]—A petition praying for a land-tax on Navy [Charleston] and Brownington—A petition praying for a land-tax on Victory & A petition praying for a land-tax on Glover, were sent up from the house of representatives with the following order entered on each, viz.

"In General Assembly 18<sup>th</sup> Oct<sup>r</sup> 1798.

The within petition was read and referred to the second land-tax committee to state facts and make report.

Attest, SAM<sup>l</sup>. C. CRAFTS, Clerk."

<sup>1</sup> The two houses met in Grand Committee to consider the constitutionality of private acts of insolvency, and resolved that the legislature have a constitutional right to pass such acts. It was also resolved to present an address to the President of the United States.—See *Appendix H*.

<sup>2</sup> On the 17th, 18th, and forenoon of the 19th, the Governor and Council were with the House in Grand Committee on county officers. It was on this occasion that the federalists, who were very largely in the majority, permitted political opinions to influence the selection of judicial officers; whereupon their opponents complained loudly, but subsequently imitated the example. Fortunately the legislatures of the State have for many years been very liberal to political minorities, and specially in the highest judicial appointments.

The said petitions being severally read, On Motion, Resolved, That the council do concur in the order of the house made on each of said petitions.

A petition, praying for a land-tax on Burke Gore was sent up from the house of representatives with the following order entered thereon, viz.

“In General Assembly Oct<sup>r</sup> 16<sup>th</sup> 1798.

The within petition being read; was referred to the committee appointed on the petition of the inhabitants of Lunenburg, [first land-tax committee,] to state facts and make report.

Attest, S. C. CRAFTS, *Clerk.*”

The said petition being read, On Motion, Resolved, That the council do concur in the foregoing Order of the house made thereon.

A petition praying for a land-tax on Bridport, was sent up from the house of representatives with the following order entered thereon, viz.

“In General Assembly 16<sup>th</sup> Oct<sup>r</sup> 1798.

The within petition being read, was referred to Messieurs D. Sheldon, Anthony, John Smith, Barns, Hubbard, Shafter, Keyes, J. White and Phelps to join a committee from council to be styled the 3rd land-tax committee, to state facts and make report.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk.*”

The said petition being read, On Motion, Resolved, That M<sup>r</sup> Strong do join the committee appointed by the house on the said petition.

A petition praying for a land-tax on Waitsfield was sent up from the house of representatives with the following order entered thereon, viz.

“In General Assembly Oct<sup>r</sup> 16<sup>th</sup> 1798.

The within petition being read, was referred to the third land-tax committee, to state facts and make report.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk.*”

The said petition being read, On Motion, Resolved, That the Council do concur in the foregoing Order of the house made thereon.

The following resolution was sent up from the house of representatives, viz.

“In General Assembly Oct<sup>r</sup> 16<sup>th</sup> 98.

On Motion, Resolved, That a committee of three Members be appointed, to join such committee as the council shall appoint, to inquire into and make report to this house some method to enforce the payment of the granting fees assessed on the town of Ira in the County of Rutland. Members chosen, Messieurs Amos Marsh, Leavenworth and J. Wright. Extract from the Journals.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk.*”

The said resolution being read, On Motion, Resolved, That M<sup>r</sup> Jacob do join the committee appointed by the house on the foregoing resolution.

A petition of Daniel Gay was sent up from the house of representatives with the following order entered thereon viz.

“In General Assembly Oct<sup>r</sup> 19<sup>th</sup> 1798.

The within petition being read, was referred to the committee [appointed] on the petition of John Vance, to state facts and make report.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk.*”

The said petition being read, On Motion, Resolved, That the council do concur in the foregoing order of the house made thereon.

A petition of Ichabod Paddock was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 19<sup>th</sup> '98.

The within petition being read, was referred to the committee appointed on the petition of Samuel C. Sheldon.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition being read, On Motion, Resolved, That the council do concur in the foregoing Order of the house made thereon.

A petition of Joel Woodworth was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 19<sup>th</sup> 1798.

The within was read and referred to Messieurs E. Sheldon, A. Marsh, and Hatch, to join a committee from Council, to state facts and make report.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition being read, On Motion, Resolved, That M<sup>r</sup> Spencer do join the committee appointed by the house on said petition.

A petition of Seth Ford and others was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 19<sup>th</sup> 1798.

The within was read and referred to Messieurs J. Wright, Bullock, J. Burnham, Z. Curtiss, Thompson, Hatch, Bottom, Leavenworth and Danforth, to join a committee from council, state facts &c.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition being read, On Motion, Resolved, That M<sup>r</sup> Chamberlain do join the committee appointed by the house on said petition.

A petition of the Selectmen of Winhall was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 19<sup>th</sup> 1798.

Read and referred to Messieurs Cahoon, Lucas, and D<sup>e</sup>Forrest, to join a committee from Council, state facts and make report.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition being read, On Motion, Resolved, That M<sup>r</sup> Marvin do join the committee appointed by the house on said petition.

A petition, praying for a land-tax in Roxbury, was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 19<sup>th</sup> 1798.

The within was read and referred to the third land-tax committee, to state facts and make report.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition being read, On Motion, Resolved, That the Council do concur in the foregoing order of the house made thereon.

The Council adjourned until 9 O'Clock To-morrow Morning.

SATURDAY, 20<sup>th</sup> Oct<sup>r</sup> 1798, 9 O'Clock A. M.

The Council met pursuant to adjournment.

A petition, praying for a land-tax on Westfield, was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly, Oct<sup>r</sup> 19<sup>th</sup> 1798.

The within was read and referred to the committee appointed on the petition of the inhabitants of Lunenburg, to state facts and make report.

Attest, S. C. CRAFTS, *Clerk*."

The said petition being read, On Motion, Resolved, That the council do concur in the foregoing order of the council [house] made thereon.

A petition of James Bayley was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly, Oct<sup>r</sup> 19<sup>th</sup> 1798.

The within was read and referred to Messieurs Blake, E. Allen of New-Fane, Allis and Hoyt, to join a committee from Council, state facts and make report.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."



The said petition being read, On Motion, Resolved, That Mr. Todd do join the committee appointed by the house on the said petition.

A petition of Eliakim Spooner was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly, Oct<sup>r</sup>. 19<sup>th</sup>. 1798.

The within was read and referred to the committee appointed on the petition of Samuel B. Sheldon, to state facts and make report.

Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

On Motion, Resolved, That the Council do concur in the order of the house made on the foregoing petition.

A petition of James Hawley, a petition of Isaac Sprague, a petition of Joseph Beaman Jun<sup>r</sup>. a petition [of] Moses Heaton, a petition of Jesse Badcock, and a petition of Joseph Gilman, were sent up from the house of representatives with the following order entered on each, viz.

"In General Assembly Oct<sup>r</sup>. 19<sup>th</sup>. 1798.

The within was read and referred to the committee on the petition of John Vance, to state facts and make report.

Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

The said petitions being severally read, On Motion, Resolved, That the Council do concur in the foregoing Order of the house on the said petitions respectively.

A petition, praying for a land-tax on Berkshire, and a petition praying for a land-tax on Montgomery, were sent up from the house of representatives with the following order entered on each of them, viz.

"In General Assembly Oct<sup>r</sup>. 19<sup>th</sup>. 1798.

The within was read and referred to the second land-tax committee, to state facts and make report. Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

The said petitions being severally read, On Motion, Resolved, That the Council do concur in the foregoing order of the house made on the petitions afores<sup>d</sup>. respectively.

On motion of Mr. Safford, Ordered, That he have liberty of absence until Tuesday Noon next.

A petition, praying for a land-tax on Craftsbury, was sent up from the house of representatives with the following order entered thereon, Viz.

"In General Assembly, Oct<sup>r</sup>. 19<sup>th</sup>. 1798.

The within was read and referred to Messieurs Taylor, Finney, P. Smith, J. Smith, Fisk, Slade, Chamberlin, Pratt, and Hinman, to join a committee from Council, (to be styled the 4<sup>th</sup>. land-tax committee,) to state facts and make report. Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

The said petition being read, On Motion, Resolved, That Mr. Chamberlain do join the committee appointed by the house on said petition.

A petition praying for a land-tax on Kelley-Vale, [Lowell,] A petition praying for a land-tax on Washington, Orange, Harris's Gore, Groton and Peacham, A petition praying for a land-tax on Wolcott, A petition praying for a land-tax on Avery's Gore, A petition praying for a land-tax on Morristown, A petition praying for a land-tax on Faystown, A petition praying for a land-tax on Mansfield, A petition praying for a land-tax on Stow, and A petition praying for a land-tax on Chelsea, were sent up from the house of representatives with the following (or a similar) Order entered on each of them, viz.

"In General Assembly Oct<sup>r</sup>. 19<sup>th</sup>. 1798.

The within was read and referred to the 4<sup>th</sup> land-tax committee, to state facts and make report. Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

The said petitions being severally read, On Motion, Resolved, That the Council do concur in the orders of the house made on the aforesaid petitions respectively.

The Council adjourned until 10 O'Clock on Monday Morning next.

MONDAY 22<sup>d</sup> Oct<sup>r</sup>. 1798, 10 O'Clock A. M.

The Council met pursuant to adjournment.

An address to the president of the United States was sent up from the house of representatives for concurrence. The said address being read, On Motion, Ordered, That it lie on the table until all the Members of the Council be present.

A petition, praying for a lottery of three hundred dollars for the purpose of making a road from Rutland, to Salem in the state of New-York, was sent up from the house of representatives with the following Order entered thereon, viz.

"In General Assembly Oct<sup>r</sup>. 22<sup>nd</sup> 1798.

The within was read and referred to Messieurs D. Sheldon, Shumway, and Burnham, to join a committee from the Council, to state facts &c.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The petition being read, On Motion, Resolved, That M<sup>r</sup>. Brigham do join the committee appointed by the house on the said petition.

A petition of John Wood was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly, Oct<sup>r</sup>. 22<sup>nd</sup> '98.

Read and referred to the committee on the petition from Pawlet, viz. D. Sheldon, Shumway, and Burnham, to join from Council, to state facts &c.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition being read, On Motion, Resolved, That the Council do concur in the foregoing order of the house made on said petition.

A petition, praying for a land-tax on Walden, was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup>. 22<sup>nd</sup> '98.

The within was read and referred to the committee on the petition of David Wing jun<sup>r</sup>. to join from the Council.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition being read, On Motion, Resolved, That the Council do concur in the foregoing order of the house made thereon.

A petition of the inhabitants of South Hero was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup>. 22<sup>nd</sup> '98.

Read and referred to Messieurs Bottom, Leavenworth and Storrs to join from Council, state facts &c.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition being read, On Motion, Resolved, That M<sup>r</sup>. Lynde do join the committee appointed by the house on said petition.

A petition of John Jay and others was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup>. 22<sup>nd</sup> '98.

Read and referred to Messieurs Hunt, Hay and Wing, to join from Council, to state facts &c.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition being read, On Motion, Resolved, That M<sup>r</sup>. Smith do join the committee appointed by the house on said petition.

A petition praying for land-tax on Fletcher, a petition praying for a land-tax on Brunswick, Wenlock and Caldersburgh [Morgan,] and a petition praying for a land-tax on Hancock, were sent up from the house of representatives with the following order entered on each, viz.

"In General Assembly, Oct<sup>r</sup>. 22<sup>nd</sup> '98.

Read and referred to the 4<sup>th</sup>. land-tax committee viz. W. Taylor and others, to state facts &c.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petitions being severally read, On Motion, Resolved, That the council do concur in the orders made on the aforesaid petitions respectively.

A petition of John Shumway was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly, Oct<sup>r</sup>. 20<sup>th</sup>. '98.

The within was read and referred to the committee appointed on the petition of James Bayley, to state facts and make report.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition being read, On Motion, Resolved, That the council do concur in the foregoing order of the house made thereon.

A petition of John [or Joseph]-Hawkins were [was] sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup>. 22<sup>nd</sup>. '98.

The within was read and referred to Messieurs A. Marsh, S. Williams and Z. Curtiss, to join a committee from Council, state facts &c.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition being read, On Motion, Resolved, That Mr. Brigham do join the committee appointed by the house thereon.

A petition of Jonathan Fassett was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup>. 22<sup>nd</sup>. '98.

The within was read and referred to Messieurs Burt, Chipman and Jacob Smith to join &c. to state facts &c.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition being read, On Motion, Resolved, That Mr. Robinson do join the committee appointed by the house on the said petition.

The Council adjourned to 2 O'Clock P. M.

2 O'CLOCK P. M.

The Council met pursuant to adjournment.

A petition of Joseph Cook, Esquire, and others, was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup>. 22<sup>nd</sup>. '98.

Read and referred to Messieurs Duncan, A. Barlow, Bigelow, Robinson, and E. Sheldon, to join a committee from Council, to state facts &c.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition being read, On Motion, Resolved, That Mr. Strong do join the aforesaid Committee.

The Council adjourned to 9 O'Clock To-morrow morning.

TUESDAY, 23<sup>rd</sup>. Oct<sup>r</sup>. 1798, 9 O'Clock A. M.

The Council met pursuant to adjournment.

A petition of the Selectmen of Swanton in behalf of the inhabitants of said town, was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly, Oct<sup>r</sup>. 22<sup>nd</sup>. 1798.

The within was read and referred to Messieurs Willoughby, Stanley, E. Sheldon, W. B. Marsh, and May, to join a committee from Council, state facts &c.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition being read, On Motion, Resolved, That Mr. Chamberlain do join the committee appointed by the house on the aforesaid petition.

The following resolution was sent up from the house of representatives, viz.

"In General Assembly Oct<sup>r</sup>. 22<sup>nd</sup>. 1798.

Resolved, That a committee of five members of this house, to join such committee as the council shall appoint, be chosen to take under consideration the following articles, viz.

1<sup>st</sup>. That on joint and several bonds, bills, notes, or other contracts in writing, not more than One suit or action shall be had or maintained thereon, in any court or courts within this state at the same time—but if more than One suit or action be brought on any such bond, bill, note, or other contract, the action or suit so last brought and entered in any court, shall, on motion and due evidence, be abated,—and the defendant or defendants recover his, her or their costs.

2<sup>nd</sup>. That no plaintiff or plaintiffs on sundry demands of a similar nature, due and payable at the same time, from any defendant or defendants, and for which sepearte actions might be brought, shall have sepearte actions for the recovery of the same—but such demands shall *all* be joined in the same writ and declaration, if prosecuted at one and the same Court.

3<sup>rd</sup>. That on all actions, between plaintiff and defendant, or plaintiffs and defendants, if it shall appear that either party, or any one of either party, shall actually live or reside within this State, travel on such action, in no instance, shall be taxed farther than from the place where such person aforesaid shall live or reside, to the place where final judgment shall be had or rendered thereon—Provided such judgment be rendered on default or nonsuit or otherwise in the discretion of the court before whom judgment shall have been rendered.

4<sup>th</sup>. That provision be made that when the real or personal estate of any person or persons shall be attached at the suit of another, then such estate so attached shall not be holden, *exclusively*, for the benefit of the party so attaching, but shall be holden for the benefit of *all* the creditors in proportion to their respective claims and demands—and that this committee report to this house, if they shall see fit, as well by bill as otherwise. Members chosen, Messieurs W. C. Harrington, Olcott, Blake, Chipman and Hay.

Extract from the Journals, Attest, S. C. CRAFTS, Clerk."

The said resolution being read and considered, On Motion, Resolved, that M<sup>r</sup>. Jacob and M<sup>r</sup>. Robinson do join the committee appointed by the house on the said resolution.

The Council adjourned to 2 O'Clock P. M.

2 O'CLOCK P. M.

The Council met pursuant to adjournment.

The following letter from his Excellency Governor Tichenor was sent up from the house of Representatives, viz.

"In Council 23<sup>rd</sup> Oct<sup>r</sup>. 1798.

Mr. Speaker—I do myself the honor to lay before the General Assembly certain papers, together with an application made to me by a deputation from a number of the Indian-Chiefs of the seven nations of Lower Canada, who conceive that they have an equitable claim to compensation for the loss of their hunting lands in this state. As they [are] attending at this place solely for the purpose of receiving an answer to their application, you will give me leave suggest the propriety of an early attention to the within Communication.

ISAAC TICHENOR.

On the foregoing communications the General Assembly had entered the following, viz.

"In General Assembly Oct<sup>r</sup>. 23<sup>rd</sup>. '98.

The within communications were read and referred to Messieurs P. Wright, Burt, S. Williams, Gallup, Chipman, Hatch, Hay, Elisha Sheldon and Blanchard, jointly with such committee as may be appointed on the part of the council, to state facts and make report.

Attest, SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said letter of his Excellency, together with the accompanying communications being read and considered, On Motion, Resolved, That Mr. Brigham, Mr. Marvin and Mr. Strong, on the part of the Council, do join the committee appointed by the house on the foregoing letter and communications.<sup>1</sup>

The Council adjourned until 9 O'Clock To-Morrow Morning.

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WEDNESDAY 24<sup>th</sup>. Oct<sup>r</sup>. 1798, 9 O'Clock A. M.

The Council met pursuant to adjournment.

The following resolution was sent up from the house of representatives, viz.

"In General Assembly Oct<sup>r</sup>. 22<sup>nd</sup>. 1798.

On Motion, Resolved that his Excellency the Governor, with the advice of Council, be requested to issue his proclamation, appointing the first Thursday of December next to be observed as a day of public thanksgiving and praise throughout this state. Extract from the Journals,

Attest, SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said resolution being read and considered, On Motion, Resolved, As the advice of this Council, That his Excellency do appoint a day of public thanksgiving and praise agreeably to the foregoing Resolve of the house of representatives.

The Council adjourned until 2 O'Clock P. M.

2 O'CLOCK P. M.

The Council met pursuant to adjournment.

Mr. Todd moved for liberty to bring in a bill entitled "An act regulating the choice of a Council of Censors." Ordered that he have leave. The said bill being read, Ordered, That it lie on the table for consideration.

The council (all the members being present) resumed the consideration of the address to the president of the United [States,] sent up from the house of representatives on the 22<sup>nd</sup> instant, Which address is as follows, viz.—[For Address, and answer of President Adams, see Appendix H.]

On the foregoing address the house of representatives entered the following resolutions, viz.

"STATE OF VERMONT. In General Assembly Oct<sup>r</sup>. 20<sup>th</sup> 1798.

Resolved, That the foregoing address pass—that it be signed by the Speaker in behalf of this house, and that it be sent to the Governor and Council for their concurrence.

And further Resolved, That the Governor be requested to forward the same to the President of the United States.

Attest, SAMUEL C. CRAFTS, Clerk."

The said address, together with the resolutions of the house thereon, being read and considered, On the Question, Will the Governor and Council concur with the house of representatives in passing the foregoing address? (His Excellency in the Chair,) The Yeas and Nays being required by Mr. Brigham—

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<sup>1</sup> The whole of the documents, including the commission and speech of the Indians, and their answers to questions put by Gov. Tichenor, will be found in *Spooner's Vermont Journal* of Nov. 6 1798. These papers are omitted, for the reason that this claim has been repeatedly presented and reported upon in accessible printed documents.—See printed *Assembly Journals* of 1799, p. 96, and of 1826, p. 140; and *House Journals* of 1854, pp. 605–634; of 1865, pp. 619–641; and of 1874, pp. 326–7.

Those who voted in the affirmative are, Mr. Brigham, Mr. Chamberlain, Mr. Jacob, Mr. Knoulton, Mr. Lynde, Mr. Marvin, Mr. Robinson, Mr. Strong, Mr. Smith, Mr. Spencer, and Mr. Todd.

Those who voted in the negative are, Mr. Galusha and Mr. Safford.

It passed in the Affirmative—Yeas 11, Nays 2—Majority 9.

Ordered, That the Secretary return said address to the house of representatives and acquaint them of the concurrence of the Governor & Council in passing the same.

The house [Council] adjourned until 9 O'Clock To-morrow morning.

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THURSDAY 25<sup>th</sup> Oct<sup>r</sup>. 1798, 9 O'Clock A. M.

The Council met pursuant to adjournment.

The following resolutions were sent up from the house of representatives, viz.

“ In General Assembly Oct<sup>r</sup>. 23<sup>rd</sup>. '98.

“ Whereas it is highly expedient that every constitutional barrier should be opposed to the introduction of foreign influence into our national councils, and that the Constitution of the United States should be so amended as to effect and secure, in the best manner, the great objects for which it was designed:—

“ Resolved, that the senators and representatives of this state, in the Congress of the United States, be and they are requested to use their best endeavours, that Congress propose to the legislatures of the several states the following amendment to the Constitution of the United States: to wit—

“ That, (in addition to the other qualifications prescribed by said constitution,) no person shall be eligible as President or Vice President of the United States, nor shall any person be a Senator or Representative, in the Congress of the United States, except a natural born Citizen, or unless he shall have been a resident in the United States at the time of the declaration of independence, and shall have continued either to reside within the same, or be employed in its service, from that period to the time of his election.

“ And Whereas the spirit of amity and mutual concession, which produced the Federal Constitution, ought always to be cultivated in the proposition & adoption of any amendments to the same:

“ Resolved further, That in case the senators and representatives of this state in Congress shall find that the amendment above proposed is not perfectly conformable to the wishes and sentiments of a majority of both branches of the national legislature, they are hereby empowered and requested so to modify the same as to meet the sentiments of such majority. Provided, however, and it is the wish and opinion of this legislature, that any amendment which may be agreed upon, should exclude, at all events, from a seat in either branch of Congress, any person who shall not have been actually naturalized at the time of making this amendment, and have been admitted a citizen of the United States, fourteen years, at least, at the time of such election.

“ Resolved further, that the Governor be requested, forthwith, to transmit the foregoing resolutions to the senators and representatives of this state in Congress”—

with the following order of the house entered thereon, viz.

“ In General Assembly, Oct<sup>r</sup>. 23<sup>rd</sup>. '98.

Read and passed, and directed to be sent to the Governor and Council for revision and concurrence or proposals of amendment.

Attest, SAM<sup>l</sup>. C. CRAFTS, Clerk.”

The said resolutions being read & considered, Resolved, That the Governor and Council do concur with the house in passing the same. Ordered, that the Secretary carry down to the house of representatives the said resolutions, and acquaint them of the concurrence of the Governor and Council in passing the same.

The bill, entitled "An act regulating the choice of a Council of Censors," was read the second time. Resolved, That it do pass. Ordered, That it be engrossed and sent to the house of representatives for their revision and concurrence, or proposals [of amendment.] Ordered, That the secretary carry down said bill and desire the concurrence of the House of representatives in passing the same.

A bill, entitled "An act directing the Treasurer of the state to pay Cephas Smith Jun<sup>r</sup> a sum of money therein mentioned," was sent up from the house of representatives for revision and concurrence or proposals of amendment. The said bill being read, Resolved that the Governor and Council do concur in passing the same. Ordered, That the Secretary acquaint the house of representatives with the concurrence of the Council in said bill.

A bill, passed in the house of representatives, entitled "An act regulating Fees," was sent up for revision and concurrence or proposals of amendment. The said bill being read, Resolved, That the Council do concur in passing the same. Ordered, that the Secretary acquaint the house of representatives with the concurrence of the Council in said bill.

A petition of Seth Wetmore was sent up from the house of Representatives with the following Order entered thereon, viz.

"In General Assembly 25<sup>th</sup>. Oct<sup>r</sup>. '98.

The within was read and referred to Messieurs Hunt, Hatch, Leavenworth, Jacob Smith, and Beardsley, to join a committee from Council, state facts, &c.

Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

The said petition being read, Resolved, That M<sup>r</sup>. Todd do join the committee appointed by the house on the aforesaid petition.

The Council adjourned until 2 O'Clock P. M.

2 O'CLOCK P. M.

The Council met pursuant to adjournment.

A bill, entitled "An act establishing a turnpike road from Windsor to Burlington in this State," was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup>. 25<sup>th</sup>. 1798.

The within bill, brought in on motion, was read and referred to Messieurs Hurd, Blake, Olcott, S. Williams, Storrs, Chipman, W. C. Harrington, Beardsley and Hathaway, to join a committee of Council.

Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

The said petition [bill] being read, On Motion, Resolved, That M<sup>r</sup>. Lynde and M<sup>r</sup>. Marvin do join the committee appointed by the house on the same.

A bill, (without any title,) for the purpose of enabling several towns in the County of Chittenden to divide their lands into severalty, was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly 25<sup>th</sup>. Oct<sup>r</sup>. 1798.

The within was read and referred to Messieurs Chipman, Stanton, Blake, E. Sheldon and Jackson, to join such committee as the council shall appoint, to take the same under consideration and to report accordingly.

Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

The said bill being read, On Motion, Resolved, That M<sup>r</sup>. Jacob and M<sup>r</sup>. Galusha do join the committee appointed by the house on the same.

His Excellency stated to the council that a Mr. [Luther] Stone, who was elected a Judge of Probate for the District of Manchester the last year, had declined qualifying as such, and therefore there is a vacancy in said district.

Whereupon, On Motion, Resolved, That the Governor and Council do, at this time, proceed by ballot to fill said vacancy. The ballots being taken and examined, Truman Squier, Esquire, was declared duly elected. On Motion, Resolved, That the Governor issue a commission to the said Truman Squier, Esquire, accordingly.

A petition, praying for a land-tax on Bridgewater, was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 25<sup>th</sup> '98.

The within was read and referred to the 3rd land-tax committee, to state facts &c-

Attest, SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said petition being read, On Motion, Resolved, That the Council do concur in the foregoing order of the house thereon.

A bill, entitled "An act directing the mode of obtaining licences and regulating inns and houses of public entertainment," was sent up from the house of representatives with the following Order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 25<sup>th</sup> 1798.

Read and referred to Messieurs P. Wright, Hunt, Burnham, Z. Curtiss, Chipman, Hatch, Stanton, Leavenworth, and Danforth, to join from Council, to report amendments &c-

Attest, SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said bill being read, On Motion, Resolved, That Mr. Knoulton and Mr. Todd do join the committee appointed by the house thereon.

A petition of Daniel Farrington was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 25<sup>th</sup> 1798.

Read and referred to the committee on the petition of James Bayley, to state facts and make report.

Attest, SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said petition being read, On Motion, Resolved, That the Council do concur in the foregoing order of the house on the said petition.

A petition of John Fay was sent up from the house of representatives with the following order entered thereon:

"In General Assembly Oct<sup>r</sup> 25<sup>th</sup> 1798.

The within was read and referred to the first land-tax committee, to state facts and make report.

Attest, SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said petition being read, On Motion, Resolved, That the council do concur in the foregoing order of the house made thereon.

A bill, entitled "An act directing the Treasurer of this state to credit the town of Weybridge in the County of Addison the sum of eleven dollars and seventy five cents, on the cent tax, so called," was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 25<sup>th</sup> 1798.

Read and referred to the committee on the petition of John Vance, to join, state facts &c-

Attest, SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said bill being read, Resolved, That the Council do concur in the order of the house made thereon.

A petition of James Whitelaw, in behalf of the proprietors of Salem, was sent up from the house of representatives with the following order entered thereon, viz.



"In General Assembly Oct<sup>r</sup> 25<sup>th</sup> 1798.

Read and referred to the committee on the petition of John Vance, to join, state facts and report their opinion.

Attest, *SAM<sup>L</sup>. C. CRAFTS, Clerk."*

The said petition being read, Resolved, That the Council do concur in the order of the house made thereon.

On Motion of Mr. Spencer, Resolved, That when any member of the house of representatives shall appear on the floor of the Council with any message from the house, such appearance shall be announced by the officer attending upon the Governor and Council, and all business before the Council shall be suspended while such member shall be delivering such message. Ordered, That the Secretary acquaint the house of representatives with the foregoing resolution.

The Council adjourned until 9 O'Clock To-Morrow Morning.

FRIDAY, 26<sup>th</sup> Oct<sup>r</sup> 1798, 9 O'Clock A. M.

The Council met pursuant to adjournment.

A bill, passed in the house of representatives, entitled

"An act restoring Samuel B. Sheldon to his law," was sent up "for revision and concurrence, or proposals of amendment." The said bill being read and considered, "Resolved, That the Governor and Council do concur in passing the same. Ordered, That the Secretary acquaint the house of representatives with the concurrence of the Council in said bill.

A bill, passed in the house of representatives, entitled "An act empowering Israel Hay to deed certain lands," was sent up "for revision and concurrence, or proposals of amendment." The said bill being read, Ordered, That it be referred to Mr. Spencer for amendment.

A petition of John Munn was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 25<sup>th</sup> 1798.

Read and referred to the committee appointed on the petition of James Bayley, to join, state facts and make report.

Attest, *SAM<sup>L</sup>. C. CRAFTS, Clerk."*

The said petition being read, On Motion, Resolved, That the Council do concur in the order of the house made thereon.

A petition of William Page was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 26<sup>th</sup> 1798.

The within petition and accompanying papers were read and referred to Messieurs J. Wright, Bigelow, H. Horton, J. White, Thompson, Storrs, Stanton, Wing and Hubbard, to join a committee from Council and make report.

Attest, *SAM<sup>L</sup>. C. CRAFTS, Clerk."*

The said petition and accompanying papers being read, On Motion, Resolved, That Mr. Safford and Mr. Strong do join the committee appointed by the house thereon.

A bill, passed in the house of representatives, entitled "An act granting to Eliakim Spooner leave to appeal from a certain judgment rendered by the County Court in the County of Windham, to the Supreme Court," was sent up "for revision and concurrence or proposals of amendment." The said bill being read and considered, Resolved, That the Governor and Council do concur in passing the same. Ordered, That the secretary do acquaint the house of representatives with the concurrence of the Governor and Council in said bill.

The Council adjourned until 2 O'Clock P. M.

2 O'CLOCK P. M.

The Council met pursuant to adjournment.

Mr. Spencer, to whom was referred the bill entitled "An act empowering Israel Hay to deed certain lands," reported the same bill with certain clauses to be added to the third section thereof. Which report being read and considered, Resolved, That the same be agreed to. The said bill being read with the amendment, Resolved, That the Governor and Council do concur in passing said bill, with the amendments proposed to be added to the third section thereof. Ordered, That the Secretary desire the concurrence of the house of representatives in the said amendments.

The Council adjourned until To-morrow Morning 9 O'Clock A. M.

SATURDAY 27<sup>th</sup>. Oct<sup>r</sup>. 1798, 9 O'Clock A. M.

The Council met pursuant to adjournment.

A petition, signed by a number of men, praying that some relief may be provided for them against the embarrassments to which they are subjected from the present scarcity of money, was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly 27<sup>th</sup>. Oct<sup>r</sup>. 1798.

Read and referred to Messieurs J. Wright, Burnham, Hard, W. C. Harrington, H. Barlow, Roberts, J. White, Leavenworth, and Peters, to join, state facts, and report by bill or otherwise.

Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

The said petition being read, Resolved, That Mr. Robinson and Mr. Spencer do join the committee appointed by the house thereon.

A petition of James Greenleaf was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly, Oct<sup>r</sup>. 27<sup>th</sup>. 1798.

Read and referred to the committee appointed on the petition of William Page, to join, state facts and make report.

Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

The said petition being read, Resolved, That the Council do concur in the order of the house made thereon.

A petition of Andrew Durkee was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly, Oct<sup>r</sup>. 27<sup>th</sup>. 1798.

Read and referred to Messieurs Hoyt, T. Harrington, and P. Wright, to join, state facts &c.

Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

The said petition being read, On Motion, Resolved, That Mr. Galusha do join the committee appointed by the house on said petition.

On Motion, Ordered, That the Secretary inquire of the house of representatives whether or not they propose sitting this afternoon.

The following written message was received from the house of representatives, viz.

"In General Assembly Oct<sup>r</sup>. 27<sup>th</sup>. 1798.

A bill entitled "An act regulating the choice of a Council of Censors," received from the Council, after having had two several readings, has passed into a law of this State without amendment.

Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

Mr. Jacob Smith, member of the house of representatives, appeared in the Council and delivered the following message, viz.

"May it please your Excellency, I am directed by the house to acquaint your Excellency and the hon'ble Council that the house of Representatives will not sit this afternoon." And he withdrew.

A bill, passed in the house of representatives, entitled "An act laying a tax of three cents per acre on the town of Ryegate, for the purpose therein mentioned," was sent up "for revision and concurrence, or proposals of amendment." The said bill being read and considered, On Motion, Resolved, That the Governor and Council do concur in passing said bill with this amendment, viz.—That the word "three" be erased before the word "Cents" and the word "two" inserted instead thereof. Ordered, That the Secretary desire the concurrence of the house of representatives in the said amendment.

A bill, passed in the house of representatives, entitled "An act for the removal of prisoners from the Gaol in Vergennes to the Gaol in Burlington," was sent up "for revision and concurrence or proposals of amendment." The bill being read, Ordered that it lie on the table.

The Council adjourned until Monday next 9 O'Clock A. M.

MONDAY, 29<sup>th</sup> Oct<sup>r</sup> 1798, 9 O'Clock A. M.

The Council met pursuant to adjournment.

M<sup>r</sup>. Smith, member of Council, appeared in Council and resigned his seat as such, and at the same time declared his acceptance of his appointment as one of the judges of the Supreme Court of Judicature.

The honourable Enoch Woodbridge and the honourable Noah Smith, Esquires, appeared before the Council and by his Excellency Governor Tichenor were duly sworn and qualified to the Offices of judges of the supreme court of judicature for the year ensuing.

On Motion, Resolved, The house of representatives concurring therein, That the two houses meet in joint-committee, at the opening of the house this afternoon, in the house of representatives, for the purpose of electing a councillor in the room of M<sup>r</sup>. Smith, who has resigned his seat as such and accepted his appointment as a judge of the Supreme Court of Judicature. And also to elect a Brigadier General in the first brigade of the first division of the Militia of this state, in the room of Brigadier Gen<sup>l</sup> John Steward whose resignation has been accepted. And also to elect a Surveyor General, and Auditor of accounts against this state, and an auditor or auditors in the Treasury Department. Ordered, that the Secretary desire the concurrence of the house of representatives in the foregoing resolution.

Petitions from sundry inhabitants of Woodstock, Fairlee, Wheelock and Bradford, praying for relief in some measure from the operation of the present laws in the collection of debts, were sent up from the house of representatives with the following (or a similar) order entered on each, viz.

"In General Assembly Oct<sup>r</sup> 27, '98.

Read and referred to the committee appointed on the petition of the inhabitants of Thetford, to join, state facts &c.

Attest, SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said petitions being severally read, On Motion, Resolved, That the Council &c. concur in the orders of the house thereon respectively.

A petition of Thomas Archibald was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 27<sup>th</sup> 1798.

Read and referred to the committee on the petition of Andrew Durkee, to join, state facts, &c. Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said petition being read, On Motion, Resolved, That the Council do concur in the order of the house thereon.

A petition of Nathaniel P. Sawyer and John McDanela was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Octr. 27<sup>th</sup> 1798.

The within was read and referred to the 4<sup>th</sup> land-tax committee, to join, state facts and make report. Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition being read, Resolved, That the Council do concur in the foregoing Order of the house made thereon.

A Memorial of Jonathan Willard was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Octr. 27<sup>th</sup> 1798.

The within was read and referred to Messieurs Jewet, Fletcher, Thompson, Collins and S. Williams, to join a committee from Council, to state facts and make report. Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said Memorial being read, On Motion, Resolved, That Mr. Brigham do join the committee appointed by the house thereon.

Mr. Hunt, a member of the house of representatives, appeared in the Council Chamber and delivered this message, viz.

"May it please your Excellency—Mr. Smith, who was appointed on the part of the Council, to join the committee appointed by the house of representatives on the petition of the town of Randolph, having resigned his seat as Councilor, it became necessary that some other person should be chosen in his room." And he withdrew.

On Motion, Resolved, That Mr. Chamberlain do join on the petition of the town of Randolph in the room of Mr. Smith.

A bill, entitled "An act establishing a turnpike gate or gates on such road as shall be made at the place and according to the provisions of this act," was sent up from the house of representatives with the following order thereon, viz.

"In General Assembly, Octr. 29<sup>th</sup> 1798.

Read and referred to the committee on the bill for a turnpike from Windsor to Burlington, to join &c.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said bill being read, Resolved, That the Council do concur in the order of the house made thereon.

The bill, sent from the house of representatives, entitled "An act for the removal of prisoners from the gaol in Vergennes to the gaol in Burlington," was again read and considered. On Motion, Resolved, That the Governor and Council do concur in passing the same. Ordered, That the Secretary acquaint the house of representatives with the concurrence of the Governor and Council in said bill.

A petition, praying for a land-tax on Fletcher, was sent up from the house of representatives with the following entry made thereon, viz.

"In General Assembly Octr. 29<sup>th</sup> 1798.

Report read and Ordered to be recommitted to the same committee to state facts &c.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

On Motion, Resolved, That the Council do concur in the afores<sup>d</sup> proceedings of the house thereon.

Mr. Robinson, member from the house of representatives, appeared in the Council Chamber and returned the resolution passed this morning, relative to the appointment of a Brigadier General, Surveyor General, &c. with the following order of the house entered thereon, viz.

"In General Assembly, 29<sup>th</sup> Octr. '98.

Resolved, That this house do concur in the said resolution except in the appointment of an Auditor in the Treasury Department—and that

Mr. Robinson be requested to inform the Governor and Council the reasons of their nonconcurrence as aforesaid.

Attest **SAM<sup>L</sup>. C. CRAFTS, Clerk.**

Mr. Robinson then stated "That the appointment of 'An Auditor or Auditors in the Treasury Department' was by law vested in the house of representatives, and not in the two branches." And he withdrew.—Whereupon On Motion, Resolved, That the Council do rescind from that part of the resolution which relates to the appointment of "An Auditor or Auditors in the Treasury Department." Ordered, That the Secretary acquaint the house of representatives thereof.

A bill, passed in the house of representatives, entitled "An act for the surveying of a public county road thro' the county of Bennington," was sent up "for revision and concurrence or proposals of amendment." The said bill being read, Ordered that it lie for consideration.

The Council adjourned to 2 O'Clock P. M.

2 O'CLOCK P. M.

The Council met pursuant to adjournment.

A bill, passed in the house of representatives, entitled "An act annexing the town of Duncansboro' [Newport] to the county of Caledonia for the time being," was sent up "for revision and concurrence or proposals of amendment." The said bill being read, Ordered, That the secretary enquire of the house of representatives the reasons which influenced them to pass said bill.

A bill, passed in the house of representatives, entitled "An act granting to Joseph Hawkins leave to raise by lottery the sum of two thousand dollars," was sent up "for revision and concurrence or proposals of amendment." The said bill being read, Ordered that it lie on the table for consideration.

A bill, passed in the house of representatives, entitled "An act reviving an act entitled 'An act assessing a tax of three cents per acre on the towns of Irasburgh and Coventry for the purpose therein mentioned,' so far as it respects the town of Irasburgh, passed November 2nd 1797, and appointing an additional member of committee," was sent up for "revision and concurrence or proposals of amendment." The said bill being read, On motion, Resolved, That the Governor and Council do concur in passing the same with this amendment, viz. That the word "deceased" in said bill be erased. Ordered, That the Secretary desire the concurrence of the house of representatives in the foregoing amendment.

A bill, passed in the house of representatives, entitled "An act allowing Endorsees to maintain actions in their own names," was sent up for revision and concurrence or proposals of amendment. The said bill being read, Ordered, That it lie on the table for consideration.

The bill, sent up from the house of representatives, entitled "An act for the surveying a public county road thro' the county of Bennington," was again read. Resolved, That the Governor and Council do concur in passing said bill. Ordered, That the secretary acquaint the house of representatives with the concurrence of the Governor and Council in said bill.

Mr. Morrill, member from the house of representatives, appeared in the Council Chamber, and stated the reasons which influenced the house to pass the bill entitled "An act annexing the town of Duncansborough to the County of Caledonia for the time being"—after which he withdrew. The said bill being again read and considered, Resolved, That the Governor and Council do concur in passing the same. Ordered, That the secretary acquaint the house of representatives with the concurrence of the Governor and Council in said bill.

A bill, passed in the house of representatives, entitled "An act directing the Treasurer of this state to pay Nahor Hayward, first constable of Jamaica for the year seventeen hundred and ninety seven"—also A bill, passed in the house of representatives, entitled "An act directing the Treasurer of this state to pay to Abel Sheppard, first constable for the town of Halifax for the year 1796, seven dollars and ninety two Cents," were sent up for revision and concurrence or proposals of amendment. The said bills being severally read, Resolved, That the Governor and Council do concur in passing the same respectively. Ordered, That the secretary acquaint the house of representatives with the concurrence of the Governor and Council in the foregoing bills respectively.

The Council adjourned until 9 O'Clock To-morrow morning.

TUESDAY, 30<sup>th</sup> Oct<sup>r</sup> 1798, 9 O'Clock A. M.

The Council met pursuant to adjournment.

The bill, sent up from the house of representatives, entitled "An act allowing Endorsees to maintain actions in their own name," was again read—Resolved, That the Governor and Council do concur in passing the same. Ordered, That the secretary acquaint the house of representatives with the concurrence of the Governor and Council in said bill.

The following resolution was sent up from the house of representatives, viz.

"In General Assembly. 27<sup>th</sup> Oct<sup>r</sup> 1798.

"Resolved, That a committee———be appointed to prepare and report a bill making all receipts taken by sheriffs and constables for the redelivery of property levied on by virtue of any writ of execution, assignable to the original Creditor or Creditors, in the same manner that bonds executed to the sheriff for the liberties of the goal-yard now are ; and no action shall be had or maintained against such sheriff or constable in consequence of such sheriff's or constable's returning said execution not satisfied, unless the said receipt, so taken, shall be insufficient. And also making all executions, issued either by the clerks of the county courts, or by the clerks of the supreme court of judicature, returnable from term to term, or within six months from the time execution shall issue on the original judgment,—and also making all executions hereafter to be issued by Justices of the peace returnable in six months from the date of the same respectively"—with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 29<sup>th</sup> 1798.

The within being read, was referred to the committee appointed on the petition of the inhabitants of Thetford.

Attest

SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said resolution being read, Resolved, That the Council do concur in the foregoing order of the house made thereon.

The bill, sent from the house of representatives, entitled "An act granting to Joseph Hawkins leave to raise by lottery the sum of two thousand dollars," was again read. Resolved, That the Governor and Council do concur in passing the same. Ordered, That the secretary acquaint the house of Representatives with the concurrence of the Governor and Council in said bill.<sup>1</sup>

The Council adjourned until 2 O'Clock P. M.

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<sup>1</sup> This was a peculiar case. Joseph Hawkins of Alburgh went on a voyage from one of the southern states to the coast of Africa in 1794 and 1795, on commercial pursuits, "and after enduring uncommon

2 O'CLOCK P. M.

The Council met pursuant to adjournment.

A bill, passed in the house of representatives, entitled "An act directing the mode of summoning grand-jurors," was sent up for revision and concurrence or proposals of amendment. The said bill being read, On Motion, Ordered, That it lie on the table for consideration.

A bill, passed in the house of representatives, entitled "An act altering the times for the sitting of the supreme court of judicature, court of chancery, and county court, in the County of Franklin," was sent up for revision and concurrence or proposals of amendment. The same being read, Resolved, That the Governor and Council do concur in passing the same. Ordered, That the secretary acquaint the house of representatives with the concurrence of the Governor and Council in said bill.

A bill, passed in the house of representatives, entitled "An act to enable the proprietors of Brookfield in the county of Orange. in conjunction with the landowners, to ratify and establish the divisions of land in said town," was sent up for revision and concurrence or proposals of amendment. The said bill being read, Ordered, That it lie on the table for consideration.

A petition of the agents of the proprietors of Salem was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 30<sup>th</sup> '98.

The vote dismissing the within petition was reconsidered, and Ordered to be committed [to] Mess<sup>rs</sup> Chipman, W. C. Harrington, Wing, Burnham and Bottom, to join a committee from council.

Attest SAM<sup>L</sup> C. CRAFTS, Clerk."

The said petition being read, Resolved, That Mr Brigham and Mr Chamberlain do join the committee appointed by the house thereon.

A bill, entitled "An act directing the issuing of a new Charter to the grantees of Goshen," was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 30<sup>th</sup> 1798.

Read and referred to the committee on the petition of the agents of Salem, to join, state facts &c. Attest SAM<sup>L</sup> C. CRAFTS, Clerk."

The said bill being read, Resolved that the Council do concur in the order of the house made thereon.

A bill, entitled "An act directing the publishing of advertisements in the newspapers therein mentioned," was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Oct<sup>r</sup> 30<sup>th</sup> 1798.

Read and referred to Messieurs Robinson, Chipman, and W. C. Harrington, to join a Committee from Council and report thereon.

Attest SAM<sup>L</sup> C. CRAFTS, Clerk."

fatigues and dangers, his sufferings received an aggravating consummation of distress, by a deprivation of his sight." His age, when this relief was asked, was twenty-six; he was advised that a cure was possible, but that skillful oculists could be found only in Europe. He was unable, from poverty, to undertake the voyage; and this act was for the purpose of furnishing the means. However questionable the mode, the act was a commendable example of State benevolence. It was stated in the *Rutland Herald* of Dec. 31 1798, that Hawkins had written an instructive and entertaining account of his voyage and travels in Africa, and was then still engaged in literary pursuits and publications.

The said bill being read, Resolved, That Mr Safford do join the committee appointed by the house thereon.

The bill, entitled "An act directing the mode of summoning grand jurors," was again read. On Motion, Resolved, that the Governor and Council do concur in passing the same. Ordered, That the secretary acquaint the house of representatives with the concurrence of the Governor and Council in said bill.

The Council adjourned until 9 O'Clock To-morrow morning.

WEDNESDAY, 31<sup>st</sup> Oct<sup>r</sup> 1798, 9 O'Clock A. M.

The Council met pursuant to adjournment.

A resolution, for the purpose of releasing to Zadock Hard and others a certain sum of money contained therein, was sent up from the house of representatives with this order entered thereon, viz.

"In General Assembly, Oct<sup>r</sup> 30<sup>th</sup> 1798.

Read and referred to Mess<sup>rs</sup>. Bradley, Hay and P. Wright, to join, state facts &c.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said resolution being read, Resolved, That Mr Strong do join the committee appointed by the house thereon.

The bill, entitled "An act to enable the proprietors of Brookfield in the County of Orange, in conjunction with the land-owners, to ratify and establish the divisions of lands in said town," was again read. On Motion, Resolved, That the Governor and Council do concur in passing the same. Ordered, That the Secretary acquaint the house of representatives with the concurrence of the governor and council in said bill.

A bill, passed in the house of representatives, entitled "An act assessing a tax of three cents per acre on the lands in the town of Landgrove for the purpose therein mentioned," was sent up "for revision and concurrence or proposals of amendment." The said bill being read, Resolved, That the Governor and Council do concur in passing the same. Ordered, That the Secretary acquaint the house of representatives with the concurrence of the Council in said bill.

His honor Lieu<sup>t</sup> Governor Brigham in the Chair. The following letter and communication was received from his Excellency Governor Tichenor, viz.

Gentlemen of the Council, "From the inconvenient situation in which the 2nd brigade of the 4<sup>th</sup> division is now arranged, pursuant to the powers vested in me, I have made the following arrangements therein, provided it shall meet the advice of council, viz.

"That the tract or territory now comprehending the said second brigade shall be divided into two brigades, in the following manner, viz.

"The said second brigade shall be formed from the militia in the following towns, viz. Thetford, Strafford, Fairlee, Vershire, Chelsea, Brookfield, Roxbury, Northfield, Williamstown, Washington, Corinth, Bradford, Newbury, Topsham, Orange, Barre, and Berlin, in the County of Orange—and of the towns of Montpelier, Calais, Marshfield, and Plainfield *alias* St Andrews, in the County of Caledonia, any former arrangement to the contrary notwithstanding—and

"That the third brigade in said division shall be formed of the Militia of all the remaining towns in the said County of Caledonia, and of all the towns in the Counties of Essex and Orleans, any former arrangement to the contrary notwithstanding.

"I have the honor to be, Gentlemen, Your very hum<sup>l</sup> Servant,  
ISAAC TICHENOR.

"City of Vergennes, Oct<sup>r</sup> 31<sup>st</sup> 1798.

"His Honor Paul Brigham &c."



The said letter being read and the matters therein contained considered, On Motion, Resolved That it is the advice of Council That his Excellency make the arrangements in the Militia agreeably to the manner prescribed in the foregoing letter.

His Excellency appearing in Council resumed the Chair.

A petition of the Trustees of Addison County Grammar School was sent up from the house of representatives with the following order entered thereon, viz.

“ In General Assembly Oct<sup>r</sup>. 31<sup>st</sup>. 1798.

Read and referred to Messieurs Bradley, Hunt, S. Williams, Gallup, Hoyt, Allis, Rood, Cahoon, and S. Hathaway, to join, state facts &c.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk.”

The said petition being read. Resolved that Mr. Todd and Mr. Chamberlain do join the committee appointed by the house thereon.

A petition, praying for a land-tax in Moretown, was sent up from the house of representatives with the following order entered thereon, viz.

“ In General Assembly Oct<sup>r</sup>. 31<sup>st</sup>. 1798.

Report read and recommitted to the same committee, to join, state facts &c.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk.”

The same being read, On Motion, Resolved, That the Council do concur therein, and that Mr. Strong be joined to the said committee appointed on the part of the house, in the room of Mr. Smith resigned.

A bill, passed in the house of representatives, entitled “ An act granting a new trial on a certain cause therein mentioned,” was sent up “ for revision and concurrence or proposals of amendment.” The said bill being read, Resolved, That the Governor and Council do concur in passing the same. Ordered, That the secretary acquaint the house of representatives with the concurrence of the Governor and Council in said bill.

The Council adjourned until 2 O’Clock P. M.

2 O’Clock P. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of representatives, were sent up for revision and concurrence or proposals of amendment, viz. A bill, entitled “ An act laying a tax of one cent per acre on the town of Hardwick;” A bill, entitled “ An act appointing a Collector of a land-tax in the town of Milton;” A bill, entitled “ An act appointing a Collector of a land-tax in Johnson;” A bill, entitled “ An act laying a tax of three cents on each acre of land in the township of Craftsbury, public land excepted;” A bill, entitled “ An act laying a tax of two cents per acre on the township of Warren;” A bill, entitled “ An act assessing a land-tax on the townships of Washington, Orange, Harris’s Gore, Groton and Peacham, for the purpose therein mentioned;” A bill, entitled, “ An act in alteration of an act entitled ‘ An act for dividing the town of Westminster into two parishes,’ passed Oct<sup>r</sup>. 19<sup>th</sup>. 1787;” A bill, entitled “ An act annexing a part of the town of Wells to the town of Poultney;” A bill, entitled “ An act in addition to and amending an act entitled ‘ An act constituting and establishing a company of artillery in the town of Rutland;’” A bill, entitled “ An act granting to Isacher Reed the exclusive right and privilege of running a stage from Rutland to the line of this state, on the road from Rutland to Salem in the state of New York;” A bill, entitled “ An act empowering the proprietors of the township of Cornwall to authenticate and confirm their division;” A bill, entitled “ An act pointing out the method of establishing the lauds divided into severalty in the town of New Haven, according to the lines thereof;” and A bill, entitled “ An act for the purpose of annexing the tract of land called and known by the name of Knight’s Gore, in the county of

Franklin, to the town of Bakersfield, and a part of the town of Bakersfield to the town of Enosburgh." The aforesaid bills being severally read, On Motion, Resolved, That the Governor and Council do concur in passing the same. Ordered that the secretary acquaint the house of representatives with the concurrence of the Governor and Council in the said bills respectively.

The following bills, passed in the house of representatives, were, severally, sent up "for revision and concurrence or proposals of amendment," viz. A bill, entitled "An act assessing a tax of three cents per acre on the township of Berkshire for the purpose therein mentioned"; A bill, entitled "An act appointing a committee to lay out and survey a road from Greensboro' and Hardwick to the court house in Danville, and laying a tax of two cents per acre on the township of Walden"; and A bill, entitled "An act appointing a committee to lay out and survey a county road from Montpelier to Danville. The said bills being severally read, Ordered, That they lie on the table for consideration.

A bill, passed in the house of representatives, entitled "An act appointing a committee to lay out, alter, and streighten the road from Vergennes thro' Castleton to Bennington," was sent up "for revision and concurrence or proposals of amendment." The said bill being read, Resolved, That the governor and council do concur in passing the same, with the amendment noted on the back of said bill. Ordered, That the secretary desire the concurrence of the house of representatives in the foregoing amendment.

Mr. Strong asked permission to bring in a bill entitled "An act empowering the proprietors of the Township of Addison in the County of Addison to lay out the remainder of their undivided land by pitching." Ordered, That he have permission. The said bill being then read, Resolved, That it do pass. Ordered, That it be engrossed, and sent to the house of representatives for revision and concurrence or proposals of amendment.

The Council adjourned until 9 O'Clock To-morrow morning.

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THURSDAY, 1<sup>st</sup> November 1798, 9 O'Clock A. M.

The council met pursuant to adjournment.

The following bills, passed in the house of representatives, were sent up "for revision and concurrence or proposals of amendment," viz. A bill, entitled "An act directing the Treasurer of this state to pay Joseph Chamberlin twenty dollars;" A bill, entitled "An act directing the Treasurer to pay Jacob Fowler twenty dollars;" A bill, entitled "An act in addition to an act entitled 'An act granting to Israel Converse, Josiah Edson, Stephen Fisk, and Timothy Mitchel the exclusive right of running a stage from Windsor to Burlington, for the term therein mentioned;'" A bill, entitled "An act assessing a tax of two cents per acre on all the lands in the township of Burk, and three cents per acre on all the lands in the township of Westmore, public rights excepted, for the purpose of making and repairing roads and building bridges;" A bill, entitled "An act granting to Joseph Munn an appeal in a certain cause therein mentioned;" A bill, entitled "An act granting relief to Seth Wetmore;" A bill, entitled "An act directing the issuing of a new Charter to the Grantees of Goshen;" a bill, entitled "An act assessing a tax of two cents on each acre of land on the township of Duxbury for the purpose therein mentioned;" A bill, entitled "An act laying three cents on each acre of land on the township of Billymead [Sutton,] (public rights excepted;)" A bill, entitled "An act assessing a tax of two

cents per acre on the township of Montgomery for the purpose therein mentioned;" A bill, entitled "An act granting an appeal to Sylvester Learned in the case therein mentioned;" & A bill, entitled, "An act assessing a tax of three cents on the township of Berkshire for the purpose therein mentioned." The aforesaid bills being severally read, On Motion, Resolved, That the Governor and Council do concur in passing the same. Ordered, That the secretary acquaint the house of representatives with the concurrence of the Governor and Council in said bills respectively.

A bill, for the purpose of appointing a committee to examine into the situation of the County of Windham and report upon the propriety of altering the shire, was sent up from the house of representatives with this Order entered thereon, viz.

"In General Assembly 31<sup>st</sup> Oct<sup>r</sup> 1798.

Read and referred to Mess<sup>rs</sup> S. Williams, Thompson, E. Sheldon, Stanton and Hurd, to join a committee from Council, and report their opinion thereon.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said bill being read, Resolved, That M<sup>r</sup> Todd and M<sup>r</sup> Chamberlain do join the committee appointed by the house thereon.

A bill, entitled "An act constituting a Company of Light Infantry in the town and vicinity of Bradford in this state," was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Nov<sup>r</sup> 1<sup>st</sup> 1798.

Read and referred to Messieurs Whitney, Z. Curtiss, and Gallup, to join a committee from Council, to take under consideration the within and report what alterations should be thought necessary.

Attest, SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said bill being read, Resolved, That M<sup>r</sup> Brigham do join the committee appointed by the House thereon.

M<sup>r</sup> Lynde asked permission to bring in a bill entitled "An act empowering the proprietors of the township of Williamstown in the County of Orange to lay out their undivided lands by pitching." Ordered, That he have leave. The said bill being then read and considered, On Motion, Resolved, That it do pass. Ordered, That it be sent to the house of representatives for their revision and concurrence or proposals of amendment.

A petition of the selectmen of Poultney was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly Nov<sup>r</sup> 1<sup>st</sup> '98.

Read and referred to Mess<sup>rs</sup> P. Wright, James Smith, and Jones, to join a committee from Council, to state facts and make report.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said petition being read, Resolved, that M<sup>r</sup> Todd do join the committee appointed by the house thereon.

On Motion, Resolved, The house of representatives concurring therein, That the two houses meet in joint committee, at the opening of the house in the afternoon, in the house of representatives, for the purpose of electing a brigadier general in the third brigade and fourth division of the militia of this state, which brigade the Governor, by and with the advice of Council, has directed to be formed of all the militia in all the towns in the counties [of] Caledonia, Essex and Orleans, except the towns of Montpelier, Calais, Mansfield [Marshfield,] and Plainfield *alias* St. Andrews, situate in the said county of Caledonia.

A bill, entitled "An act authorizing Joseph Churchill to sell the real estate of Benjamin Dimick deceased," was sent up from the house of representatives with the following Order entered thereon, viz.

"In General Assembly, Novr. 1<sup>st</sup> '98.

Read and referred to Messrs. Jacob Smith, Joshua Chamberlin, and Phinehas Williams, to join from council.

Attest SAM<sup>L</sup>. C. CRAFTS, Clerk."

The said bill being read, Resolved, That Mr. Robinson do join the committee appointed by the house thereon.

The Council adjourned until 2 O'Clock P. M.

2 O'Clock P. M.

The council met pursuant to adjournment.

The resolution, passed in the forenoon, for the purpose of electing a Brigadier General in 3rd brigade in the 4<sup>th</sup> division of the militia of this state, was sent up from the house of representatives with the following minute entered thereon, viz.

"In General Assembly Novr. 1<sup>st</sup> 1798.

Resolved, That the house of representatives do concur in the foregoing resolution. Extract from the journals.

Attest SAM<sup>L</sup>. C. CRAFTS, Clerk."

The Council then proceeded to the house of representatives and joined them in committee for the purpose expressed in the foregoing concurrent resolution. The said committee being dissolved, the Council returned to the Council Chamber and proceeded to business.<sup>1</sup>

The hon<sup>ble</sup> Benjamin Burt, Esquire, who was elected, by the joint ballot of both houses, a Councillor, on the 29<sup>th</sup> ultimo, appeared in Council, and, after taking the necessary qualifications, was admitted to his seat.

A bill, entitled "An act restoring Daniel Farrington to his law," passed in the house of representatives, was sent up for revision and concurrence or proposals of amendment. The same being read and considered, Resolved, That the Governor and Council do not concur in passing said bill. Ordered, That Mr. Spencer return said bill to the house of representatives and assign to them the reasons for the nonconcurrence of the council in passing the same.

The bill, passed in the house of representatives, entitled "An act appointing a committee to lay out and survey a road from Greensboro' and Hardwick to the court house in Danville, and laying a tax of two cents per acre on the township of Walden," was again read and amended, Whereupon Resolved, That the Governor and Council do concur in passing said bill, with the amendments noted thereon. Ordered, That the Secretary desire the concurrence of the house of representatives in the amendments to the same.

The following bills, passed in the house of representatives, were sent up "for revision and concurrence or proposals of amendment," viz. A bill, entitled "An act directing the Treasurer of this state to pay the sum of four dollars and seventy five cents to the Selectmen of Dummerston;" A bill, entitled "An act directing the Treasurer of this state to credit the town of Weybridge in the County of Addison the sum of eleven dollars and fifty seven cents on the 'cent tax;" and A bill, entitled "An act laying a tax of three mills on the dollar on the polls and rateable estate of the inhabitants in the County of Orange." The aforesaid bills being severally read and considered, Resolved, That the Governor and Council do concur in passing said bills respectively. Ordered, That the secretary acquaint the house of representatives with the concurrence of the Governor and Council in said bills respectively.

The Council adjourned until 9 O'Clock To-morrow morning.

<sup>1</sup> The Grand Committee elected Hon. William Chamberlain Brigadier General of the 3d brigade in the 4th division.

FRIDAY, 2<sup>nd</sup>. November 1798, 9 O'Clock A. M.

The Council met pursuant to adjournment.

Mr. Marvin moved for liberty to bring in a bill entitled "An act supplementary to an act entitled 'An act dividing the state into districts for electing representatives to the Congress of the United States, and directing the mode of their election.'" Ordered, That he have leave. The said bill being read, Ordered, That it lie on the table for consideration.

The bill, entitled "An act restoring Daniel Farrington to his law," which was passed in the house of representatives and sent up for revision &c. and was nonconcurrent yesterday afternoon, was again sent up with this order entered thereon, viz.

"In General Assembly Novr. 1<sup>st</sup> '98.

Resolved, That the house do not reconsider the vote passing this bill, and that Mess<sup>rs</sup> Chipman and W. C. Harrington wait upon the Governor and Council with this bill and state the reasons that induced the house to pass this resolution.

Attest SAM<sup>L</sup>. C. CRAFTS, Clerk."

Mr. Chipman and Mr. Harrington then stated to the Governor and Council the reasons of the house inducing them to adhere to their former vote for passing said bill—and they withdrew. Whereupon, Resolved, That the Governor and Council do reconsider their former resolve for nonconcurring said bill—and On Motion, Resolved, That the Governor and Council do concur in passing said bill. Ordered, that the secretary acquaint the house of representatives with the concurrence of the Governor and Council in said bill.

The following bills, passed in the house of representatives, were sent up "for revision and concurrence or proposals of amendment," viz.

A bill, entitled "An act assessing a tax of half a cent on Kellyvale" [Lowell;] and A bill, entitled "An act directing the mode of obtaining licenses and regulating inns and houses of public entertainment." The said bills being severally read, On Motion, Resolved, That the Governor and Council do concur in passing the same respectively. Ordered that the Secretary acquaint the house of representatives with the concurrence of the Governor and Council in said bills respectively.

A bill, entitled "An act for paying Mathew Lyon five hundred and thirty five dollars," was sent up from the house of representatives with the following order entered thereon, viz.

"In General Assembly, 2<sup>nd</sup> Novr. 1798.

Read and referred to Messieurs J. Wright, Hunt, Anthony, Z. Curtiss, Thompson, Hatch, Reed, Lucas and Hubbard, to join a committee from Council, state facts, and report as well by bill as otherwise.

Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

The said bill being read, Resolved, That Mr. Lynde and Mr. Robinson do join the committee appointed by the house thereon.

The following resolution was sent up from the house, viz.

"On Motion, Resolved, That there be a committee, consisting of One member from each County, to join a committee from Council, appointed to receive this state's proportion of the laws of the United States, and report some mode for their distribution. Members chosen, Messieurs Robinson, Hunt, Witherill, Olcott, Chipman, Hatch, Stanton, Leavenworth, and S. Hubbard.

Extract from the Journals. Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

The said resolution being read, Resolved, That Mr. Galusha do join the committee appointed by the house thereon.

The Council adjourned to 2 O'Clock P. M.

2 O'CLOCK P. M.

The Council met pursuant to adjournment.

The petition of William Page, agent of the company for rendering Connecticut River navigable by Bellows Falls, was again sent up from the house of representatives with this order entered thereon, viz.

"In General Assembly Nov<sup>r</sup> 2, 1798.

Read and referred to Messieurs Shumway, T. Harrington, James Smith, Whitney, Allis, Hay, Beardsley, and Hathaway, to join a committee from Council, to make further enquiries, state facts and report.

Attest, SAM<sup>l</sup> C. CRAFTS, Clerk."

The same being read, Resolved, That M<sup>r</sup> Brigham and M<sup>r</sup> Burt do join the committee appointed by the house thereon.

The bill, entitled "An act restoring Daniel Farrington to his law," was again read. Resolved, That the Governor and Council do concur in passing said bill, with the amendment noted on the back of the same. Ordered, That the secretary desire the concurrence of the house of representatives in the amendment to the said bill.

The bill, entitled "An act supplementary to an act entitled 'An act dividing the state into districts for electing representatives to the Congress of the United States, and directing the mode of their election,'" was read the second time. Resolved, That the said bill do pass. Ordered, That the same be sent to the house of representatives for revision and concurrence or proposals of amendment.

The bill, entitled "An act appointing a committee to lay out and survey a county road from Montpelier to Danville," was again read. Resolved, That the Governor and Council do concur in passing the same with this amendment, to wit: That the words "and the expence of such survey shall be paid by the town of Montpelier" in the third, fourth and fifth lines of the second section [be stricken out.] Ordered, That the secretary desire the concurrence of the house of representatives in said amendment.

The following bills, passed in the house of representatives, were sent up for revision and concurrence or proposals of amendment, viz. A bill, entitled "An act laying a tax of two cents per acre on the township of Waitsfield;" A bill, entitled "An act giving relief to the proprietors of Salem on the cent tax;" and a bill, entitled "An act appropriating the monies raised by tax in the town of Swanton to the defraying the expence of building a bridge over Missisque River." The said bills being severally read, Resolved, That the Governor and Council do concur in passing the same respectively. Ordered, That the secretary acquaint the house of representatives with the concurrence of the Governor and Council in said bills respectively.

The Council adjourned until 9 O'Clock To-Morrow Morning.

CITY OF VERGENNES, Saturday November 3<sup>rd</sup> 1798, 9 o'clock A. M.

The Council met pursuant to adjournment.

Resolved, That the House of Representatives be and they are hereby requested to lay before the Governor and Council, as soon as may be convenient, all statements relative to the Treasury Department with which they have been furnished by the Treasurer—as also the General List, and other Documents and reports of which they are possessed, which will shew the present state of the Treasury of this State.

Resolved, further, That if the House of Representatives be not furnished with any Statement from the Treasurer; that, in that case, they be and hereby are requested to call on the Treasurer, to lay before them a particular account of the State of the Treasury.

Ordered, That the Secretary carry the same to the house.

A Bill, passed in the House of Representatives, Entitled *An act empowering the several Judges of Probate in this State, to empower Executors and Administrators to deed land in certain cases*, was sent to the Governor and Council, for their revision and concurrence or proposals of amendment, and being read, it was, on motion, Resolved, That it be referred to Mess<sup>rs</sup> Jacob and Robinson to propose amendments.

A Bill, passed in the house of Representatives, Entitled *An act empowering the Selectmen of the several Towns in this State to take charge of or lease out the Lands granted to the first Settled Minister, and to the use of the Ministry*, was sent to the Governor and Council, for their revision and concurrence, or proposals of amendment, which was read, amended, and on motion, it was Resolved, To concur with the house in passing the same into a Law, with the proposals of amendment noted on the back of<sup>d</sup> Bill.

The Council adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.

A Bill, passed in the house of Representatives, entitled *An act directing the publishing of advertisements, in the News-Papers therein mentioned*, was sent up for revision and concurrence or proposals of amendment, and being read, it was on motion, Ordered, That it lie on the Table 'till Monday, for consideration.

The following resolution was sent from the house with the papers therein alluded to, to wit:

"In General Assembly Nov. 3<sup>d</sup> 1798.

Resolved that the General list of this State, together with the report of the auditor, appointed to examine the State of the Treasury, be sent to the Governor and Council. Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

Whereupon Resolved, That Mess<sup>rs</sup> Todd and Jacob do take said Papers and report thereon.

A Bill, Entitled, *An act granting relief to Ephraim Stevens*, which passed in the house of Representatives, was sent up for revision and concurrence or proposals of amendment, read, amended, and then it was Resolved, To concur with the house in passing the said Bill into a Law, with the proposals of amendment noted on the back of the same.

On motion, Resolved, That Mr. Spencer be a Committee on the Petition of William Page, in the room of Mr. Burt.

Council adjourned to 10 o'clock Monday morning.

MONDAY 5 November 1798, 10 o'clock A. M.

The Council met pursuant to adjournment.

The following resolution was sent up from the house:

"In General Assembly Nov. 3<sup>d</sup> 1798.

Resolved, the Governor and Council concurring therein, that the two houses of the Legislature will rise, on Wednesday the 7<sup>th</sup> day of November, Instant, and that the Engrossing Clerk be directed to make up the Debenture of both houses accordingly.

Extract from the Journals. Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

The same being read, Resolved, That the Governor and Council concur therein.

Mr. Jacob reported sundry amendments to the Bill, Entitled *An act empowering the several Judges of Probate in this State, to empower Executors and Administrators to deed lands in certain cases*—which amendments were read and accepted. The said Bill was then read and Resolved That the Governor and Council do concur therein with the

amendments proposed thereto. Ordered, That the Secretary carry down said Bill.

On motion, Resolved, To reconsider the Vote, concurring in the Resolution relative to affixing the time of the rising of the legislature. Ordered, That said Resolution lie on the Table.

The following Bills passed in the house of Representatives, were sent up for Revision and concurrence or proposals of amendment: A Bill, Entitled An act laying a Tax of one cent per acre on the Township of Kingston. A Bill, Entitled An act in alteration of an act, Entitled an act granting relief to two native Indians passed Nov. 7, A. D. 1792. A Bill, Entitled An act appointing a new Collector of a Land Tax in the Town of Isle of Mott. A Bill, Entitled An act, laying a Tax of one Cent per acre on the Township of Wolcott, for the purposes therein mentioned.

Resolved, That the Governor and Council do concur in passing the same.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.

The following written messages were received from the house:

"In General Assembly Nov. 5, 1798.

A Bill entitled, "An act supplementary to an act, directing the mode of electing Representatives to Congress," rec<sup>d</sup> from the Council, after two several readings, was accepted, and is passed into a law of this State.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

"In General Assembly Nov. 5, 1798.

A Bill, originating in Council, entitled "An act, empowering the Proprietors of Williamstown to pitch their undivided Land," after having had two several readings, is accepted, and passed into a Law of this State. The house have concurred in the amendments proposed by the Governor and Council to the Bill, Entitled An act empowering the several Judges of Probate to empower Executors &c. to Deed lands in certain cases.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

The following bills, passed in the house of Representatives, were sent up for revision and concurrence, or proposals of amendment—viz. An act, empowering Asa Tilden, Administrator of the estate of Benjamin Follet, late of Hartford, deceased, to sell all the real estate of the said Benjamin. An act, laying a Tax of two Cents per acre on the town of Braintree, for the purpose therein mentioned. An act determining a particular regulation, relative to the Proprietors and Landowners of Goshen and Warren—and an act, laying a tax of two cents per acre on the town of Glover, for the purpose therein mentioned—and the same being severally read, it was Resolved, That the Governor and Council do concur in passing the said Bills respectively.

A Bill, passed in the house of Representatives, Entitled An act, annexing two Companies of Cavalry, already raised, to the second regiment, first Brigade, and first division of the Militia of the State of Vermont, was read and Resolved, To concur in passing the said bill, with the amendments proposed to the same, as endorsed and noted thereon.

A Bill, passed in the house of Representatives, Entitled, An act laying a tax of three cents per acre on the town of Moretown, for the purpose therein mentioned, was sent up for revision &c. which was read, and then it was Resolved, To concur with the house in passing said Bill into a Law, with the amendments proposed to the same as endorsed and noted thereon.

A bill, passed in the house of Representatives, Entitled, An act respecting a claim made by some of the Chiefs of the Seven Indian nations of the Province of lower Canada in behalf of their respective Nations, to



lands within this State, was sent up for revision &c., read, and then it was Resolved, To concur in passing said Bill, with the proposals of amendment endorsed and noted thereon.

A bill, passed in the house of Representatives, Entitled, *An act for the relief of Jonathan Fassett in a certain suit*, was sent up for revision &c. and the same being read, Resolved, that the Governor and Council do concur in passing the same, with the proposals of amendment, as referred to on the Back of said Bill.

The Council Adjourned until 9 O'clock Tomorrow morning.

TUESDAY, November 6<sup>th</sup>, 1798, 9 o'clock A. M.

The Council met pursuant to adjournment.

A bill. Entitled, *An act laying a tax of two cents per acre on the town of Roxbury*, which had passed the house of Representatives, was sent up for revision &c. and the same being read, it was Resolved, That the Governor and Council do concur in passing said Bill, with the amendments thereto proposed and noted in the paper marked (A.)

A bill, passed in the house of Representatives, Entitled, *An act, for the purpose of regulating the raising and falling of the waters, occasioned by the erection of a mill dam on Muddy Brook, so called, in Shelburne*, by Nathan Tiler a number of years past, was sent up for revision &c. read, and Resolved, To concur with the house in passing the same into a law.

Mr. Todd, from the Committee, appointed to take under consideration, the documents and reports relative to the Treasury department reported, That the Bill, passed in the house of Representatives, entitled *An act assessing a tax of one cent, on the dollar, on the List of 1798*, ought to be passed—which report was read and accepted—whereupon Resolved That the Governor and Council do concur in passing the said bill into a Law.

A bill, passed in the house of Representatives, Entitled, *An act, establishing a Ferry from the eastern part of Alburgh, to the landing called Hog-Island in Highgate*, was sent up for concurrence &c. and the same being read Resolved, That the Governor and Council do recommend to the General Assembly to reconsider the vote passing the same, the object thereof being fully embraced in a general law of this State, for that purpose.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment—viz. An act reviving an act, entitled, an act, for laying out and establishing a Post Road, through the Towns of St. Johnsbury and Lyndon, in the County of Caledonia. An act, authorizing the Proprietors of Middlebury to confirm and compleat the division of their lands. An act, authorizing the Committees appointed to superintend the collection of certain land taxes, to proceed in the collection thereof. An act, assessing a Tax of one cent per acre on the township of Mansfield, for the purpose therein mentioned. An act, to revive an act, Entitled, *An act, assessing a Tax of one cent, on each acre of land in Holland*, for the purpose therein mentioned. An act, laying a tax of one cent per acre on the townships of Brownington and Navy, for the purpose therein mentioned, and An act directing the Treasurer of this State, to pay certain sums of money, to the several persons therein mentioned. The same being severally read, it was Resolved, That the Governor and Council do concur in passing the aforesaid bills, respectively.

The Bill, Entitled, An act directing the publishing of advertisements, in the newspapers therein mentioned, was read a Second time, and amended, and it was Resolved, To concur with the house in passing the same with the amendments.

A Bill, passed in the house of Representatives, entitled, "An act, confirming a rate, made by the Selectmen of the Town of Winhall," was sent up for revision &c. and the same being read, it was Resolved, That the Governor and Council do concur in passing the same with the amendments, as noted on the back thereof.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following written message was transmitted from the house—

"In General Assembly 5<sup>th</sup> of Nov. '98.

"The following bills received from the Governor and Council, with proposals of amendment being read, were concurred, as amended, and are passed into laws of this State. A bill Entitled "An act Laying a tax of three cents per acre on the Town of Moretown, for the purpose therein mentioned. A bill Entitled An act, respecting a claim by some of the Chiefs of the Seven Indian Nations of the Province of lower Canada, in behalf of their respective nations, to lands within this State. A Bill Entitled, An act, for the relief of Jonathan Fassett in a certain suit, and A Bill, Entitled, An act, establishing a company of cavalry.

Extract from the Journals, Attest, S. C. CRAFTS, Clerk."

The following Bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment—viz—"An act, granting to Charles Rich, the sum of twelve dollars and ninety five cents, for the purpose therein mentioned." "An act, assessing a tax of three cents per acre on the town of Faystown, for the purpose therein mentioned." "An act, assessing a tax of two cents per acre on the town of Colchester, for the purpose therein mentioned." "An act assessing a tax of two cents per acre on the town of Hancock for the purpose therein mentioned." "An act, assessing a tax of one cent per acre on the township of Jay, for the purpose therein mentioned," and "An act, for suspending prosecutions against Timothy Clement for the space of five years." The aforesaid bills being read, it was Resolved, That the Governor and Council do concur in passing the same respectively.

On motion of Mr Jacob, Resolved, That a committee of one member, to join such Committee as the house of Representatives may appoint, be chosen, to examine into the unfinished business before the legislature, and make report tomorrow, at which time the legislature can rise, with safety to the Public—also Resolved, That Mr Robinson be the Committee on the part of Council.

Adjourned to 9 o'clock Tomorrow morning.

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WEDNESDAY November 7<sup>th</sup> 1798, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent to the Governor and Council for their revision and concurrence or proposals of amendment—viz. "An act laying a tax, of one and a half cent per acre, on the town of Bridgewater, for the purpose therein mentioned," "An act directing the Treasurer, to pay the expences, incurred on the day of Election," "An act, granting leave to raise Volunteer companies, from Exempts, and incorporating them, into the several regiments of the Militia of this State," "An act, assessing a tax, of one cent per acre, on the township of Morristown, for the purpose therein mentioned,"

"An act, assessing a tax of one cent per acre, on the township of Caldersburgh [Morgan,] for the purpose therein mentioned," "An act, laying a tax, of one cent and a half, on each acre of land, in the township of Minehead [Bloomfield,] public lands excepted," "An act, discharging Jonathan Nichols Jun<sup>r</sup> from the payment of a certain note therein mentioned," "An act, authorizing the Proprietors of the Township of Salisbury, to establish their divisions allready made, and also to divide the remainder of their lands by pitching," "An act, laying a tax of one and a half cent per acre on the Town of Elmore, for the purpose therein mentioned," "An act, dividing the South-hero into separate towns," "An act, in alteration of an act, Entitled an act, granting to William Page and Lewis R. Morris, their heirs and assigns forever, the exclusive right of locking Bellows Falls on Connecticut River," "An act, appointing Elisha W. Bingham, a Committee man, in addition to a Committee appointed on a road tax, granted by the Legislature of the State of Vermont, on the Township of Concord, in the County of Caledonia, at their October session 1797," "An act, laying a tax of one cent per acre on the township of Worcester, for the purpose therein mentioned," and "An act, assessing a tax of two cents per acre on the town of Plainfield, late St<sup>d</sup> Andrews-Gore, for the purpose therein mentioned." The same being severally read, it was Resolved, That the Governor and Council do concur in passing the same respectively. Ordered, That the Secretary carry down said Bills to the house of Representatives and acquaint that body with the concurrence of Council therein.

On motion of Mr. Brigham Resolved, The house of Representatives concurring therein, that the Surveyor General, be and he hereby is directed, as soon as convenient, to make an actual survey of Alburgh, in order to enable him to make the necessary survey of the Gore of Land, granted to Ebenezer Marvin Esquire Nov. 4, 1793, lying between Alburgh and Huntsburgh, and that the Surveyor General be directed to make out a survey of said Gore, and a return thereof to the next Session of the Legislature, that a charter of said Land may be made out to said Grantee. Mr. Spencer was appointed to carry said Resolution to the house.

The resolution sent up on the 5<sup>th</sup> Inst relative to the houses of the legislature rising on the 7<sup>th</sup> Inst was again taken up and being considered, it was Resolved, To concur therein with this proposal of amendment That instead of "Wednesday the 7<sup>th</sup> day of Nov<sup>r</sup> Inst" the words "Thursday the 8<sup>th</sup> day of Nov. Inst" be inserted in lieu thereof, and Mr. Spencer appointed to return said Resolution to the house.

The following Resolution was sent up from the house of Representatives :

"In General Assembly Nov. 7<sup>th</sup>, 1798.

Resolved, that there be a committee of three members appointed, to join a Committee from Council, to draught and report a Bill making appropriations for the year seventeen hundred and ninety-eight.—Mess<sup>rs</sup> J. Robinson, S. Williams, & A. Marsh.

Attest, SAM<sup>l</sup>. C. CRAFTS, Clerk."

The same being read, Resolved, That Mr. Brigham do join the aforesaid committee.

The bill, entitled, "An act, directing the publishing of advertisements in the newspapers therein mentioned," which was concurred on the 6<sup>th</sup> Inst with sundry proposals of amendment, was returned from the house by Mr. Marsh, with this order endorsed thereon:

"In General Assembly Nov. 6, 1798.

The amendments proposed by Council to the within bill in the first Section was concurred in, and also the amendment proposed to the pro-

viding clause was also concurred, and the amendment proposed marked B was nonconcurred and Mr. Marsh appointed to return said Bill to Council and state the reasons of nonconcurrence.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clk.*"

And Mr. Marsh, after stating the reasons of their nonconcurrence, withdrew—& on motion it was Resolved, That the Governor and Council do rescind from their proposed amendment to said bill Marked B.

The following message was received from the house:

"In General Assembly Nov. 7, 1798.

The house have concurred with the amendments proposed by Council relative to the day of adjournment.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clk.*"

A bill, passed in the house of representatives, Entitled, "An act, assessing a tax of two cents per acre on the township of Westfield for the purpose therein mentioned," was sent up for revision &c.—and the same being read, Resolved, That the Governor and Council do concur in passing the same, with the amendments noted on the back of said bill.

A Resolution, passed this morning, brought in on motion of Mr. Brigham, relative to directing the Surveyor General to survey the town of Alburgh, in order to ascertain the quantity of land in the Gore granted to Ebenezer Marvin &c. was returned from the house with this order thereon:

"In General Assembly Nov. 7, 1798.

Read and nonconcurred.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clk.*"

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, Entitled, "An act, to enable the Proprietors and land owners of the Town of Jericho to divide their lauds into severalty," which had passed in the house of Representatives, was sent up for revision and concurrence or proposals of amendment, and the same being read, Resolved, That the Governor and Council do concur in passing the same, with the proposals of amendment noted thereon.

The following Resolution was sent up from the house of Representatives:

"In General Assembly Nov. 7, 1798.

Resolved, That the Engrossing Clerk be and he hereby is directed to make up the Debenture of the Council and Assembly, this morning, including this day, and present the same for acceptance, before this house, at the opening thereof, at 2 O'clock afternoon; and that a Committee of one from each County be appointed to join a Committee from Council to draw and pay over the same. Provided, that said Committee shall not pay over such money, untill after the rising of the Council and Assembly. Mess<sup>rs</sup> Robinson, Duncan, Curtis, Witherell, Peters, Chipman, Jones, Blanchard, and Danforth, were appointed a Com<sup>tee</sup> to join agreeably to the above resolution.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk.*"

The same being read, Resolved, That the Governor and Council do concur, with the following amendment, viz. That after the word "Assembly," in the third line, erase the four lines below, and insert the following words, "including the eighth day of November Inst. and present the same for acceptance to the house at 9 o'clock tomorrow morning." Resolved, further, that Mr. Spencer do join the aforesaid committee.

A bill, passed in the house of Representatives, Entitled, "An act granting to Benjamin Bell of South-Hero, the exclusive right of keeping a ferry from South-Hero to Cumberland-head in the State of New York" was sent up for revision &c. and the same being read, Resolved,

That the Governor and council do concur in passing said bill, with the amendments noted thereon.

The following written message was received from the house:

"In General Assembly Nov. 7 1798.

The amendments proposed by the Governor and Council to the following bills were concurred—viz. A bill, entitled, "An act to enable the town of Jericho, to divide their lands into severalty"—The resolution directing the Engrossing Clerk to make up the debentures &c. and appointing a Committee to draw upon the Treasurer, and pay over the debenture to the Members &c. Attest SAM<sup>L</sup> C. CRAFTS, *Clerk.*"

A bill, passed in the house of Representatives, Entitled, 'An act to enable the Proprietors of the town of Randolph in conjunction with the landowners, to ratify, confirm and establish, part of the Proprietors' records, therein mentioned,' was sent up for revision &c. and being read, Resolved, That the Governor and Council do recommend to the house of Representatives, to refer said bill to the next session of the Legislature.

The following Bills, passed in the house of Representatives, were sent up for revision & concurrence or proposals of amendment, viz. "An act directing the Treasurer of this State to pay to Seth Storrs, auditor, the sum therein mentioned," "An act suspending prosecutions against Thomas Archibald for the term of five years," "An act directing the Treasurer of the County of Orange to pay to Joseph Norton the sum therein mentioned," "An act authorizing Joseph Churchill to sell the real estate of Benjamin Dimick, deceased," "An act in addition to and explanation of an act Entitled an act assessing a Tax of one cent on each acre of land in this State, for the support of government during the year 1797, and for other purposes," "An act laying a tax of one cent per acre on the town of Stowe, for the purpose therein mentioned," and "An act to prevent unnecessary law suits, and to regulate the taxing of Costs in certain cases therein mentioned"—And the same being severally read, Resolved, To concur with the house in passing the same into laws, respectively.—Ordered, That the Secretary acquaint the house therewith.

The Council adjourned to 9 O'clock Tomorrow morning.

THURSDAY, November 8<sup>th</sup>. 1798—9 o'clock A. M.

The Council met pursuant to adjournment.

Resolved, The house of Representatives concurring therein, that there be added to the debentures of John Chipman Esquire, Sheriff, fifty cents per day, above the sum allowed by law, making fourteen dollars and fifty cents.—The above resolution was sent to the house of representatives and returned concurred. A bill, passed in the house of Representatives, Entitled, "An act making appropriations for the support of government, for the present Session, and from thence, until the session of the Assembly in October, one thousand, seven hundred and ninety nine"—was sent up for revision &c. and the same being read—Resolved, To concur in passing the same, with the amendments noted thereon.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment—viz—"An act appointing a Collector of a land tax in Stowe," "An act allowing to Abner Hawley seven dollars, for the services therein mentioned," "An act granting relief in a certain case to the Proprietors of the town of Westford, and declaring that Proprietors in certain cases shall pay the supreme Court a reasonable compensation," and "An act in addition to an act empowering the Collector of a land Tax in Fletcher passed Nov<sup>r</sup>."

8<sup>th</sup>, 1797."—The same being read, Resolved, To concur with the house in passing the said bills respectively.

Mr. Robinson moved for leave to bring in a bill Entitled "An act directing the Sheriff of the County of Caledonia to collect the cent tax on the Town of Concord." Ordered, That he have leave—and the said bill being read, Resolved, That the same do pass, and Ordered, That it be sent down to the house for their concurrence and that Mr. Chamberlain carry down the said bill, and assign to the house the reasons for passing the same.

The debenture of Council was read as follows and approved.

	Travel	Amt. of Trav.	Days of Attend	Amt of Attend'nce	Whole Amt.
His Honor Paul Brigham L <sup>t</sup> Gov <sup>r</sup> .	83	\$9.96	29	116.	\$125.96
The Hon <sup>ble</sup> Wm. Chamberlin Esq.	82	9.84	29	43.50	53.34
" Jonas Galusha "	97	11.64	29	43.50	55.14
" Luke Knoulton "	108	12.96	29	43.50	56.56
" Ebenezer Marvin "	72	8.64	29	43.50	52.14
" Elijah Robinson "	91	10.92	29	43.50	54.42
" Cornelius Lynde "	62	7.44	29	43.50	50.94
" John Strong "	14	1.68	29	43.50	45.18
" Samuel Safford "	106	12.72	28	42.00	54.72
" Noah Smith "	104	12.48	19	28.50	40.98
" Abel Spencer "	52	6.24	27	40.50	46.74
" Timothy Todd "	88	10.56	29	43.50	54.06
" Stephen Jacob "	92	10.92	29	43.50	54.42
" Gideon Olin "	96	11.52	2	3.00	14.52
" John White "	44	5.68	2	3.00	8.68
" John Chipman Esq. "					
Sheriff.	18	2.16	29	29.00	31.16
Richard Whitney Secretary	120	14.40	29	72.50	86.90
Truman Squier Esq <sup>r</sup> late Sec <sup>r</sup> .	81	9.72	4	10.00	19.72
To Abner Hawley for wood and making fires					2.00
" Justus Bellamy for use of Stove &c.					2.00
" Additional sum to Mr. Chipman					14.50
					<b>\$924.08</b>

The following message was received from the house:

" In General Assembly Nov. 8, 1798.

The house have concurred in the amendments proposed to the bill making appropriations for the year 1798, by the Governor and Council, also in passing the Bill, Entitled "An act directing the Sheriff of Caledonia County to collect the Cent Tax on the town of Concord."

Attest SAM<sup>L</sup> C. CRAFTS, *Clk.*"

Mr. Robinson, from the house, appeared in Council, and delivered the following message: The house have completed the business before them, and are now ready, if the business in Council is finished, to adjourn without day—and he withdrew.

Resolved, The house of Representatives concurring therein, that both branches of the Legislature meet in the Representatives' room, immediately, for the purpose of adjourning the Legislature, without day.

The above resolution was sent to the house, returned concurred, and the Governor and Council proceeded to the Representatives' room, and after an appropriate prayer by the Chaplain, the General Assembly of the State of Vermont was adjourned, sine die, and Proclamation thereof made by John Chipman Esquire Sheriff of Addison County.

A true Journal.

Attest

[RICHARD WHITNEY,] Sec<sup>r</sup>.

## RECORD OF THE GOVERNOR AND COUNCIL

AT

## THE SPECIAL SESSION AT RUTLAND, MARCH 1799.

## STATE OF VERMONT, ss.

A Journal of the Proceedings of the Governor and Council of the State of Vermont, at a special Session begun and holden at the Court House in Rutland, within and for said State, on Monday the fourth day of March, in the year of our Lord, one thousand seven hundred and ninety nine, pursuant to letters circular, issued by His Excellency the Governor, requiring a meeting of the Council on said day at ten o'clock A. M.—Present, His Excellency Isaac Tichenor Esquire Governor, His Honor Paul Brigham Esq<sup>r</sup>. Lt Governor, of the Council The Hon<sup>ble</sup>. John Strong, Luke Knoulton, Elijah Robinson, Stephen Jacob, Samuel Safford, Jonas Galusha, Timothy Todd, Abel Spencer, and Benjamin Burt Esquires. Richard Whitney *Secretary*.

A Quorum having convened, Thomas Miller, a Deputy Sheriff of Rutland County, declared by Proclamation said Session duly opened.

His Excellency then addressed the Council in the following speech:

*Gentlemen of the Council*,—In consequence of a diversity of sentiment, as to the extent, construction and import of the Twenty Sixth Section of our Constitution, several of the judicial officers of this State, holding subordinate offices, or rather appointments, under the laws of the United States, have been induced to resign their offices under this State. Two of the seats, on the bench of the County Court in the County of Addison, have of course become vacant. Conceiving it the duty of the Executive of this State, correspondent with the powers vested in it by the Constitution, uniformly to adopt such measures as shall be calculated to preserve and secure the rights, privileges and immunities of the Citizens thereof; and not only to prevent the delay, but promptly to enforce the operation of our municipal laws; on which those rights, privileges, and immunities are, in a great measure, predicated,—and, upon the due and impartial execution of which they must, in an eminent degree, depend: I have thought fit to convene you at this time and place, for the purpose of filling the vacancies in the Judiciary department in the county of Addison, and the office of Judge of Probate for the district of Addison; the former Judge having made his resignation for reasons before assigned.

As the County Court of Addison County sits by law on this day, it is of high importance that the vacancies should be immediately filled.

I lament that an occasion should have occurred to render it not only expedient, but highly necessary, to call you together from your respective families and friends at this inclement season of the year, and on so short notice.

As the construction of the article in our Constitution, before alluded to, cannot properly come before this board to be determined, I shall forbear to offer my own opinion.

By a letter I some time since received from the Chief Justice of the Windham County Court, I learn that the person appointed High-Bailiff in said County positively declines qualifying as such. That office, of course, to give full operation to our laws, ought to be filled, but *that* vacancy, till the resignations before mentioned, being the only one represented to me, I did not think it of sufficient importance, nor in fact my duty, to convene you for the purpose of supplying it.

These are the principal Objects for which I have required your attendance.—To such things and measures as shall be directed to the welfare of the State, I shall, at all times, be happy to join with the Council.

4 March 1799.

ISAAC TICHENOR.

The Council then took under consideration the speech of his Excellency—when on motion Resolved, That they proceed to the Choice of a Chief Judge of Addison County Court. The ballots being taken and examined, the Hon<sup>ble</sup> John Strong Esquire was declared duly elected.

On motion, Resolved, To proceed to the Choice of a First Side or Assistant Judge of Addison County Court. The Ballots being taken and examined, the Hon<sup>ble</sup> Abel Thompson Esqr. was declared duly elected.

On motion, Resolved, To proceed to the choice of a High-Bailiff in the County of Windham. The ballots being taken and examined, John Morse Esquire was declared duly elected.

On motion, Resolved, That His Excellency the Governor be requested to appoint Wednesday the 24<sup>th</sup> day of April next, as a day of public Fasting and Prayer throughout this State.

Resolved, That the Governor and Council do now proceed to the choice of a Judge of Probate in the District of Addison. The ballots being taken and examined, the Hon<sup>ble</sup> John Strong Esquire was declared duly elected.

The Council adjourned to 8 O'clock Tomorrow morning.

— — —

TUESDAY March 5<sup>th</sup>. 1799, 8 O'clock, A. M.

The Council met pursuant to adjournment.

In the absence of his Excellency, Lt Governor Brigham in the Chair.

On motion of Mr Knoulton, Resolved, unanimously. That the Council under existing circumstances, do highly approve the conduct of his Excellency in convening the Council at this time, for the purpose and for the reasons contained in his address at the opening of the session on the fourth instant.

Hiram Horton Esquire, one of the Assistant Judges of County Court, of Rutland County, personally appeared before the Governor and Council, and resigned his office as such. Whereupon, on motion, Resolved, That the Governor and Council do now proceed to fill the vacancy occasioned by that resignation—The ballots being taken and examined, the Hon<sup>ble</sup> Ebenezer Willson Esqr. was declared duly elected.

The debenture of Council was read and approved, as follows—



	Travel.	Am't Travel.	Days of Attend.	Am't Attend'nce	Whole Amt.
His Honor Paul Brigham Lt. Gov.	50	\$6.	2	\$8.80	14.80
The Hon <sup>ble</sup> John Strong Esq <sup>r</sup> .	45	5.40	2	3.00	8.40
" Luke Knoulton "	65	7.80	2	3.	10.80
" Elijah Robinson "	45	5.40	2	3.	8.40
" Stephen Jacob "	45	5.40	2	3.	8.40
" Timothy Todd "	2	.12	2	3.	3.12
" Abel Spencer "	12	.84	2	3.	3.84
" Benjamin Burt "	50	6.	2	3.	9.
" Samuel Safford "	60	7.20	2	3.	10.20
" Jonas Galusha "	50	6.	2	3.	9.00
" Cornelius Lynde "	55	6.60	2	3.	9.60
Richard Whitney Sec <sup>y</sup> .	75	9.	2	5.	14.
Sheriff	1	.12	2	2.	2.12
					<b>\$110.88</b>

The business of the Council being concluded, the Sheriff of Rutland County, by proclamation, adjourned the Council without day.

A True Journal.

Attest,

[RICHARD WHITNEY,] Sec<sup>y</sup>.

# TWENTY-THIRD COUNCIL.

OCTOBER 1799 TO OCTOBER 1800.

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ISAAC TICHENOR, Bennington, *Governor*.

PAUL BRIGHAM, Norwich, *Lieut. Governor*.

## *Councillors:*

SAMUEL SAFFORD, Bennington,

JOHN STRONG, Addison,

LUKE KNOULTON, Newfane,

EBENEZER MARVIN, Franklin,

ELIJAH ROBINSON, Weathersfield,

WM. CHAMBERLAIN, Peacham,

STEPHEN JACOB, Windsor,

TIMOTHY TODD, Arlington,

ABEL SPENCER, Clarendon,

SOLOMON MILLER, Williston,

ELISHA ALLIS, Brookfield,

JOHN BRIDGMAN, Hinsdale,

[Vernon.]<sup>1</sup>

RICHARD WHITNEY, Guilford, *Secretary*.

WILLIAM RICE, Woodstock, *Sheriff*.

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## BIOGRAPHICAL NOTICES.

SOLOMON MILLER was born in West Springfield, Mass., in 1761. He entered the revolutionary army, and was in the battle of Bennington and at the taking of Burgoyne. After the conclusion of the revolutionary war he removed to Wallingford, and from thence in 1786 to Williston, of which town he was clerk for many years. He was for fifteen years clerk of Chittenden county, and for fourteen years Judge of Probate. He represented Williston in the General Assembly of 1797, and was a Councillor from 1799 until 1803, in 1808, and 1813 and '14. He died in 1847, in the 87th year of age.—*Vt. Historical Magazine*, Vol. I, p. 901; and Deming's *Catalogue*.

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<sup>1</sup> BENJAMIN BURT of Westminster was elected by the people, but declined the office, and on the 17th of Oct. Mr. BRIDGMAN was elected to fill the vacancy.

ELISHA ALLIS was graduated at Harvard University in 1767, after which he resided in Hatfield and Williamsburgh, Mass., until Feb. 1791, when he removed his family to Brookfield. He had spent the summers of 1789 and 1790 in clearing a small farm and erecting buildings in that town, making a homestead for the remainder of his life. He represented the town in the General Assembly in 1793, '95 until '99, and 1813; was Councillor 1799 until 1803; delegate in the Constitutional Convention of 1793; and Assistant Judge of Orange County Court 1797 until 1802. He was a deacon in the congregational church for more than thirty-five years, and "lived to a good old age, revered by a numerous posterity, honored and respected by his neighbors and fellow citizens. He died April 3, 1835, aged eighty-seven."—*Vt. Historical Magazine*, Vol. II. p. 866; and *Deming's Catalogue*.

JOHN BRIDGMAN was appointed a justice of the peace for Cumberland County, by New York, April 14 1772; and from June until November 1776, he was a member of the Cumberland County Committee of Safety. In Jan. 1781, the Convention at Charlestown, N. H., appointed him one of a committee to wait upon the General Assembly of Vermont and promote the scheme of uniting all the New Hampshire Grants, west of the Mason line, under one government; in the following March he was elected an Assistant Judge and Justice of the Peace for Windham County; and in October of that year he was a member of the Vermont Assembly, which office he also filled in 1784, '86, '94, and '96. He held the office of Assistant Judge of Windham County Court from 1781 until 1796, with the exception of the year 1783; and he was Chief Judge from 1796 until 1801. He was also Judge of Probate 1789 until 1803; Councillor in 1799; and Elector of President and Vice President in 1796.—*B. H. Hall's Eastern Vermont*; *Deming's Catalogue*; and Vols. I, II, and III of the *Governor and Council*.

**RECORD OF THE GOVERNOR AND COUNCIL**  
**AT THE**  
**SESSION OF THE GENERAL ASSEMBLY AT WINDSOR,**  
**OCT. 1799.**

WINDSOR, Thursday October 10<sup>th</sup> 1799. }  
 STATE OF VERMONT, ss. }

A Journal of the Proceedings of the Governor and Council of the State of Vermont, at their stated Session, begun and holden at Windsor, within and for said State, on the second Thursday of October, being the tenth day of said Month, in the year of our Lord, one Thousand Seven hundred and ninety-nine—pursuant to the Constitution and Laws of this State—Present, His Excellency Isaac Tichenor Esquire, Governor, His Honor Paul Brigham Esq<sup>r</sup> Lieut Governor, of the Council The Hon<sup>ble</sup>. William Chamberlain, Jonas Galusha, Stephen Jacob, Luke Knoulton, Ebenezer Marvin, Elijah Robinson, John Strong, Samuel Safford, Abel Spencer, and Timothy Todd Esquires. Richard Whitney, *Secretary*. William Rice Esquire, *Sheriff of the County of Windsor*.

The following resolution was sent up from the house of Representatives:

“In General Assembly Oct 10<sup>th</sup> 1799.

On motion, Resolved, That a Committee consisting of two Members from each County be appointed to receive, sort, and count the Votes for Governor, L<sup>t</sup> Governor, Treasurer, and Councillors for the year ensuing, to join a Committee for that purpose from the Council. Members Chosen, Mess<sup>rs</sup> Robinson, Olin, Blake, Cutler, Williams, Witherell, Curtiss, J. Marsh, Chipman, A. Marsh, Johnson, Taplin, E. Keyes, Bliss, Beardsley, Blanchard, Sheldon, and F. Davis.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*.”

With the following certificate endorsed thereon—viz.

“In General Assembly, Oct. 10<sup>th</sup> 1799.

I hereby certify, that the Committee appointed by the house have been sworn to the faithful performance of their duty—by me, SAM<sup>L</sup>. C. CRAFTS, *Clk*.”

The said resolution and certificate thereon being read, on motion, Resolved, That a Committee of five members be appointed on the part of the Council to join the Committee appointed on the part of the house of Representatives. Members Chosen—Mess<sup>rs</sup> Robinson, Marvin, Strong, Knoulton and Todd.

The members on the part of the Council personally appearing, were severally and duly sworn to the faithful discharge of their trust, before the Governor and Council, by the Secretary.

Adjourned to 5 O'clock P. M.<sup>1</sup>

<sup>1</sup> From *Spoooner's Vermont Journal* of Oct. 15 1799:

On Thursday last the General Assembly of this state convened in this town; at 2 o'clock P. M. the Governor and Council. a number of the Members of the House, and a large concourse of people assembled at the new Meeting-House, where a well adapted discourse was delivered by the Rev. William Forsyth, from Job iii. 17, 18, 19. All the exercises of the day were conducted without parade or unnecessary expence.

5 O'CLOCK P. M.

Mr. Amos Marsh, a member of the house of Representatives, appeared in Council, and delivered the following message, viz.

"May it please your Excellency,—I am directed by the house of Representatives, to acquaint your Excellency and the hon'ble Council that the Committee, appointed by the concurrent resolution of both houses to receive, sort and count the votes for Governor, Lt Governor, Treasurer and Councillors, for the year ensuing, are now ready to make a partial report, and therefore request the Governor and Council to meet the house of Representatives, in the Representatives' room to hear the same." And he withdrew. Whereupon Resolved, That the Governor and Council proceed immediately to the house of Representatives.

The Governor and Council accordingly joined the house, agreeably to the foregoing message and resolve, when the following report was handed in by the Chairman of said Committee, viz.

"To the Hon<sup>ble</sup>. the General Assembly, now sitting—Your Committee appointed to receive, sort and count the votes for Governor, Lt Governor, Treasurer and Councillors, report. That his Excellency Isaac Tichenor Esq<sup>r</sup>. is elected Governor—his Honor Paul Brigham Esq<sup>r</sup>. Lt Governor—Samuel Matlocks Esq<sup>r</sup>. Treasurer—That the votes for Councillors are not yet counted, and that your Committee have adjourned, for the purpose of accomplishing the business committed to them, till nine o'clock tomorrow morning.

JOHN STRONG, *Chairman*.

Oct. 10, 1799."

The said report being read, William Rice Esquire, Sheriff of the County of Windsor, by proclamation declared said officers severally and duly elected to their respective offices by the suffrages of the Freemen.

The Governor and Council then returned to their Chamber, and adjourned to 9 o'clock Tomorrow morning.

FRIDAY October 11<sup>th</sup>. 1799, 9 o'clock A. M.

The Council met pursuant to adjournment, His Honor the Lt Governor in the Chair.

Mr. Elnathan Keyes, member of the house of Representatives, appeared in the council chamber, and delivered this message:

"Mr. Chairman—I am directed by the house of representatives to acquaint the Council that the committee, appointed to receive, sort and count the votes for Governor, Lt Governor, Treasurer and Councillors, for the year ensuing, are ready at this time to compleat their report, and therefore request the Governor and Council to meet the house of Representatives, in their room, to hear the report."

And he withdrew—whereupon, Resolved, that the Governor and Council proceed, immediately, to the representatives' room.

The Governor and Council, accordingly, joined the house of Representatives, agreeably to the foregoing message and resolve thereon,—when the following additional report was handed in [by] the Chairman of said Committee:

"Your Committee further report, That, The Hon'ble Samuel Safford, William Chamberlain, Stephen Jacob, Ebenezer Marvin, John Strong, Luke Knoulton, Elijah Robinson, Benjamin Burt, Timothy Todd, Abel Spencer, Solomon Miller, and Elisha Allis, Esquires, are elected Councillors.

JOHN STRONG, *Chairman*."

The same being read, William Rice Esquire, Sheriff of Windsor County, by open proclamation, declared said officers duly elected.

The Governor and Council then returned to their Chamber.

On motion, Resolved, That a letter similar to the following draft be addressed and forwarded, as soon as may be, to the new members of Council by the Secretary—viz.

“STATE OF VERMONT,

IN COUNCIL CHAMBER at Windsor, Oct. 11<sup>th</sup> 1799.

To the Hon<sup>l</sup> A. B. Esq.

Sir—By the report of the Committee, appointed by the Council and house of Representatives to receive, sort and count the votes for Governor, L<sup>t</sup> Governor, Treasurer, and Councillors for the year ensuing, I have the honor to acquaint and notify you, that you have been declared duly elected a Councillor, by the suffrages of the Freeman—These are therefore to require your attendance, in the Council Chamber, at Windsor, as soon as the situation of your affairs, under this short notice, will justify it. Under the directions of his Excellency and the Hon<sup>ble</sup> Council present, I have the honor to be, with high Esteem, your Ob<sup>t</sup> and very humble servant,

RICH<sup>d</sup> WHITNEY,

*Sec<sup>y</sup> to the Gov<sup>r</sup> and Council.”*

The hon<sup>ble</sup> Solomon Miller Esquire, member of Council, appeared in the Council Chamber, and after taking the necessary oaths, was duly admitted to his seat.

The Council adjourned to 9 o'clock Tomorrow morning.

SATURDAY October 12, 1799, 9 o'clock A. M.

The Council met pursuant to adjournment. His Excellency the Governor, attended by the hon<sup>ble</sup> Council, proceeded to the Representatives' Room, and having signified his acceptance of the office of Governor in and over the State of Vermont for the year ensuing, and taken the necessary Oaths of office, delivered the following address to both branches of the Legislature.<sup>1</sup>

The Governor and Council returned to their Chamber, and commenced the consideration of business.

The following application and request of the Executive of the Commonwealth of Massachusetts was laid before the Council by his Excellency, viz.

“To his Excellency Isaac Tichenor Esquire, Governor of the State of Vermont.

[SEAL.] } The undersigned Lieutenant Governor and Com-  
MOSES GILL. } mander in Chief of the Commonwealth of Massachusetts has the honor to inform his Excellency the Governor of Vermont, that it appearing by the annexed authenticated copy of an Indictment against Peter Gilson, of Pepperel, in the County of Middlesex and Commonwealth of Massachusetts, that he is charged with the crime of forgery, and it being represented to the Attorney General of the Commonwealth, that he has fled from justice, and is now residing in Hartland, or some other town in the State of Vermont: and the Executive of the said Commonwealth, according to the provision of the Constitution of the United States, requests the Executive of the said State of Vermont to cause the said Peter Gilson to be apprehended, and to be delivered over to Simon Larned Esquire, Sheriff of the County of Berkshire, in the said Commonwealth, that he may be brought to justice.

In testimony whereof, the said L<sup>t</sup> Governor has caused the public seal of said Commonwealth to be affixed hereto the sixth day of September A. D. 1799.

By his Excellency's command.

JOHN AVERY Sec<sup>y</sup>.”

<sup>1</sup> For this speech, see *Appendix J*.

The same being read and considered, on motion, Resolved, That his Honor the L<sup>d</sup> Governor be requested to return the application and request to the person who brought the same forward, [and] acquaint him, that the present existing laws of this State are amply competent to secure the object contemplated thereby, and, further, that his honor recommend the person to proper council and advice.

His Excellency, from indisposition, not being able to attend Council. His Honor the L<sup>d</sup> Governor in the Chair. M<sup>r</sup> Todd, member of Council, appeared, and after taking the necessary oaths, was admitted to a seat.

On motion of M<sup>r</sup> Spencer, Resolved, That Mess<sup>rs</sup> Spencer, Todd, and Jacob, be a committee to draught and report rules for the regulation of Council for the year ensuing.

A Petition of the Selectmen of Poultney, was sent up from the house of Representatives, with the following entry made thereon:

"In General Assembly, Oct. 12<sup>th</sup> 1799.

Read and Referred to Mess<sup>rs</sup> Chipman, Burton, and Burt to join a Committee from Council to state facts and make report.

Attest, SAM<sup>l</sup>- C. CRAFTS, Clerk."

The said Petition, with the proceedings of the house thereon, being read, Resolved, That Mess<sup>rs</sup> Chamberlain and Jacob do join the Committee aforesaid.

A Petition, signed by a number of Persons, praying that certain proprietors of a Dam may be compelled to draw off the waters of Tinmouth Pond, was sent up from the house of representatives, with the following entry made thereon:

"In General Assembly, Oct. 12<sup>th</sup> 1799.

Read and referred to Mess<sup>rs</sup> Elias Keyes, Chipman, & Witherell, to join Committee from Council to state facts and make report.

Attest, SAM<sup>l</sup>- C. CRAFTS, Clerk."

The said Petition, with the proceedings of the house thereon, being read, on motion, Resolved, That M<sup>r</sup> Knoulton and M<sup>r</sup> Marvin do join the aforesaid Committee.

Petitions, signed by Reuben Hatch, and the Selectmen of Chelsea, praying for a land Tax on Chelsea, were sent up from the house of representatives, with the following order made thereon:

"In General Assembly, Oct. 12, 1799.

The inclosed were read, and referred to Mess<sup>rs</sup> Olin, Duncan, Harrington, Z. Curtis, J. Pond, Swift, Hay, Bean and Sheldon, to join a Committee from Council, to be styled the First Land Tax Committee, to state facts and make report. Attest, SAM<sup>l</sup>- C. CRAFTS, Clerk."

The said Petitions with the proceedings of the house thereon being read, Resolved, That M<sup>r</sup> Robinson do join the aforesaid Committee.

A Petition of Joel Woodworth, praying for an act of suspension of arrest on civil process, was sent up from the house of representatives, with the following entry made thereon:

"In General Assembly, 12 Oct. 1799.

Read and referred to Mess<sup>rs</sup> Ormsby, Allen, Ward, Strong, Linsly, Walker, Rood, Roberts and F. Davis, to join a Committee from Council.

Attest, SAM<sup>l</sup>- C. CRAFTS, Clerk."

The said Petition, and the proceedings of the house thereon being read, Resolved, That Mess<sup>rs</sup> Strong and Safford do join the aforesaid Committee.

A Petition of the Trustees of Addison County Grammar School, praying that a College may be established at Middlebury, in said County, and a Charter of incorporation granted accordingly, was sent up from the house of representatives, with the following entry made thereon:

"In General Assembly, Oct. 12, 1799.

Read and Referred to Mess<sup>rs</sup>. Olin, Hunt, Hammond, Z. Curtis, Johnson, Beardsley, and Sheldon, to join Committee from Council, to state facts &c.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition, with the proceedings of the house thereon, being read, on motion, Resolved, That Mess<sup>rs</sup>. Spencer and Brigham join the aforesaid Committee.

A petition from General Eli Coggs, and other Military officers, praying that provision may be made by the legislature for arming and equipping the Militia of this State, was sent up from the house of representatives, with the following entry made thereon—viz.

"In General Assembly, Oct. 12, '99.

Read and referred to Mess<sup>rs</sup>. Wright, Henry, Hammond, Stevens, J. Pond, Walker, Barnes, P. Davis, & Danforth, to join Committee from Council to state facts &c.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said Petition, with the proceedings of the house thereon being read, Resolved, That Mess<sup>rs</sup>. Todd and Miller do join the aforesaid Committee.

The Council adjourned until 10 O'clock Monday morning.

MONDAY October 14<sup>th</sup> 1799, 10 O'clock A. M.

The Council met pursuant to adjournment.

A Petition, signed by a Committee, on behalf of the town of Andover, praying for a division of said Town, was sent up from the house of Representatives, with the following entry made thereon:

"In General Assembly, Oct. 12, 1799.

Read and referred to Mess<sup>rs</sup>. Bottom, Ward and Lyon to join Committee from Council, to state facts &c.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said Petition, with the proceedings of the house thereon, being read, Resolved, That Mr. Chamberlain do join the aforesaid Committee.

A Petition, praying for the appointment of a new Collector in Brunswick, in the room of Philip Grapes, deceased, was sent up from the house of Representatives, with the following entry made thereon:

"In General Assembly, Oct. 14, 1799.

Read and referred to Mess<sup>rs</sup>. Stanton, Blake and Robinson, to join, state facts &c.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition, with the proceedings of the house thereon, being read, Resolved, That Mr. Jacob do join the aforesaid Committee.

A petition from the Inhabitants of Westford, and a petition of the proprietors of Cabot, each petition praying for a land tax, were received from the house of representatives, with the following or a similar order on each:

"In General Assembly, Oct. 12, '99.

Read and referred to the first land Tax Committee to state facts &c.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petitions, with the proceedings of the house thereon, being read, Resolved, That the Council do concur in the orders of the house made thereon respectively.

A petition, from the inhabitants of Bakersfield, was sent up from the house of Representatives, praying for a land tax with the following order made thereon, viz.

"In General Assembly, Oct. 14<sup>th</sup> '99.

Read and referred to the First land tax committee to join, state facts &c.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."



The said petition, with the order of the house thereon, being read, Resolved, That the Council do concur in the order of the house made thereon.

A Petition from Thomas Leverett of Windsor, praying that an act of Insolvency may be passed in his favor, and a petition from Joseph Caldwell of Middlebury, praying that his person and property may be freed from arrest by civil process, were sent up from the house of representatives with the following, or a similar order on each, viz.

"In General Assembly, Oct. 14, 1799.

Read and referred to the Committee on the Petition of Joel Woodworth to join, to state facts &c. Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said Petitions, with the proceedings of the house thereon, being read, Resolved, That the Council do concur in the orders of the house made thereon respectively.

A petition, signed by a number of persons, praying for the removal of a Dam across the river Otter-Creek, at the falls in Vergennes, was sent up from the house of Representatives, with the following entry made thereon:

"In General Assembly, Oct. 12, 1799.

Read and referred to the Committee on the petition from Tinmouth to join, state facts &c. Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition, with the proceedings of the house thereon, being read, Resolved, That the Council do concur in the proceedings of the house thereon.

The following resolution, passed in the house of representatives, was sent up to the Council:

"In General Assembly, Oct. 14, 1799.

On motion of Mr. Keyes, Resolved, That his Excellency the Governor and Council be requested to meet the house of Representatives in Grand Committee, at the opening of the house this afternoon, for the purpose of electing the Judges of the Supreme Court of Judicature—Also to appoint a time for making the County nominations. Extract from the Journals. Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said resolution being read and considered, Resolved, That the Governor and Council do concur therein, and Ordered, That the Secretary acquaint the house therewith.

A petition, praying for a land Tax of three Cents per acre on the lands in the townships of Waterbury and Moretown, together with a remonstrance against the prayer of said petition, were sent up from the house of representatives, with the following entry made thereon:

"In General Assembly, Oct. 14<sup>th</sup>. 1799.

The within petition and remonstrance accompanying were read and referred to the first land tax Committee.

Attest SAM<sup>L</sup>. C. CRAFTS, *Cik*."

The said petition and remonstrance, with the proceedings of the house thereon, being read, on motion, Resolved, That the Council do concur in the order of the house made thereon, with the addition of Mr. Spencer to said Committee on the part of Council.

The petition of Nathan Manly, of Bridport, in the County of Addison, praying for an act of insolvency, was sent up from the house of representatives with the following entry made thereon:

"In General Assembly, Oct. 14, 1799.

Read and referred to the Committee appointed on the petition of Joel Woodworth, to join, state facts &c.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition, with the proceedings of the house thereon, being read, Resolved, That the Council do concur in the order of the house thereon.

A petition, praying for a Land Tax, in the Town of Winhall, was sent up from the house of representatives with the following entry made thereon:

“ In General Assembly, Oct. 14<sup>th</sup> 1799.

Read and referred to the first land Tax Committee, to join, to state facts &c. Attest, SAMUEL C. CRAFTS, Clerk.”

The said petition, with the proceedings of the house thereon, being read, Resolved, That the Council do concur in the order of the house thereon.

Adjourned untill 2 O'clock P. M.

2 O'CLOCK P. M.

The Governor and Council proceeded to the house of representatives, and joined them for the purpose expresse<sup>d</sup> in the concurrent resolution of both houses this morning.

The Governor and Council returned and took their seats.

A Petition, praying for a land tax on Avery's Gore, in the County of Franklin, was sent up from the house of representatives, with the following entry made thereon:

“ In General Assembly, Oct. 14, 1799.

Read and referred to Mess<sup>rs</sup>. Shumway, Henry, Ward, Burr, H. Olin, S. Smith, Bliss, Strong and Hubbard, to be denominated the second land tax committee, to join from Council, to state facts &c.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk.”

The said petition, with the proceedings of the house on the same, being read—Resolved, That the Council do concur therein, and that M<sup>r</sup>. Miller be the Committee on the part of Council.

The Council adjourned untill 9 O'clock tomorrow morning.

TUESDAY, October 15<sup>th</sup> 1799, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Governor and Council proceeded to the Representatives' room, and join'd them for the purpose of receiving the County nominations, and making the appointments of the officers in the different Counties in this State.

The Governor and Council returned to their chamber and adjourned untill 2 O'clock in the afternoon.

2 O'CLOCK P. M.

The subject of the application of the Executive authority of Massachusetts, was resumed, and before coming to any resolution on said business, the Council adjourned untill 9 o'clock tomorrow morning.

WEDNESDAY, October 16<sup>th</sup> 1799, 9 o'clock A. M.

The Council met pursuant to adjournment.

M<sup>r</sup>. Spencer, from the Committee appointed to draught and report rules for the regulation of the Council, reported as follows:

“ To the Honorable the Council,—Your Committee, appointed to prepare and report rules for the Council, have attended to that duty, and report the following.

ABEL SPENCER for Com<sup>rs</sup>.

Windsor Oct. 16, 1799.

1<sup>st</sup> The Council shall meet every morning at the ringing of the bell in the Council Chamber, and punctually attend prayers.

2<sup>nd</sup>. His Excellency shall decide all questions of order, or the Lieutenant Governor in the absence of his Excellency, unless the same be submitted to the Council by the member called to order.

3<sup>rd</sup>. All nominations shall be made by his Excellency, and in his absence by the Lieutenant Governor, unless otherways specially directed.

4<sup>th</sup>. No member of Council, in the minority of any vote or resolution determined, shall move for a reconsideration thereof.

5<sup>th</sup>. No member shall call for the Yeas and Nays, on any vote or resolution, after the same has been declared a vote from the Chair.

6<sup>th</sup>. Every motion shall be reduced to writing, if it be requested from the Chair or by any member.

7<sup>th</sup>. No member of Council shall speak more than twice to the same question, without leave first obtained from the Council."

The said report being read, Ordered that it lie on the table for consideration.

On motion, Resolved, The house of Representatives concurring therein, That the house of Representatives meet the Governor and Council, in the representatives' room, at the opening of the house tomorrow afternoon, for the purpose of electing a Brigadier General of the second Brigade in the fourth division of the Militia of this State, in the room of Brigadier General Cornelius Lynde, whose resignation has been accepted by his Excellency. Ordered, That the Secretary carry the above resolution to the house.

Mr. Marvin stated to the Council, that Mr. Knoulton, yesterday afternoon, received the melancholy intelligence that his eldest son was dangerously sick, and as the Council had adjourned untill 2 o'clock this afternoon, had left town without first obtaining permission from Council, and hoped he should be secured from a charge of any want of respect, under the particular circumstances which urged his departure; whereupon, Resolved, That Mr. Knoulton have liberty of absence, and that the same be entered on the Journals.

On motion of Mr. Strong, Resolved, that Mr. Brigham be a Committee on the part of Council, to supply the place of Mr. Knoulton, on all petitions, and for all purposes, for which Mr. Knoulton was chosen, previous to his having obtained leave of absence.

His Excellency the Governor laid before the Council the following letter from the Hon<sup>ble</sup> Benjamin Burt Esq<sup>r</sup> viz.

"To his Excellency the Governor and the hon<sup>ble</sup> the members of the Council, Gentlemen,—Sensible, as I am, of the honor conferred on me in an election to a seat in your honorable body, by the suffrages of a respectable portion of my fellow Citizens—at an earlier period of my life, I should have embraced the election with pleasure. Advanced, as I now am, I think it my duty to decline taking a seat. Wishing your Excellency and Honors much harmony and unanimity in all your deliberations, I subscribe myself your Very humble Servant.

Oct<sup>r</sup> 16<sup>th</sup> 1799.

BENJA<sup>A</sup>. BURT.

A Petition, from a number of subscribers, styling themselves United Baptists, praying to be incorporated into a Society, with powers to purchase and transfer real property, and make bye laws not incompatible with the Constitution and Laws of this State, was sent up from the house of representatives, with the following entry made thereon:

"In General Assembly Oct. 16, 1799.

Read and referred to Mess<sup>rs</sup> Ward, Whitney, J. Smith, Hay and Lyon, to join a Committee from Council to state facts &c.

Att. SAM<sup>L</sup> C. CRAFTS, *Clk*."

The said Petitions, with the proceedings of the house thereon, being read, Resolved, That Mess<sup>rs</sup> Todd and Chamberlin do join the aforesaid Committee.

A Petition praying for a land-tax on the town of Hardwick, and a petition, praying for a land-tax on the town of Bromley, were sent up from the house of representatives, with the following order on each:

“In General Assembly, Oct. 16, 1799.

Read and referred to the second land-tax Committee, to state facts, and make report.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk*.”

The said petition, with the proceedings of the house thereon, being read, Resolved, That the Council do concur in the orders made by the house on each petition respectively.

On Motion, Resolved, That the application, from the Executive Authority of the Commonwealth of Massachusetts, relative to delivering up Peter Gilson, a fugitive from Justice, be referred to a Committee of three to report thereon. Members chosen, Mess<sup>rs</sup> Jacob, Spencer and Todd.

The Council adjourned until 9 o'clock Tomorrow morning.

THURSDAY, October 17, 1799, 9 o'clock A. M.

The Council met pursuant to adjournment.

On motion, Resolved, The house of Representatives concurring therein, that the house of Representatives meet the Governor and Council, in the representatives' room, at the opening of the house this afternoon, for the purpose of electing a Councillor, to supply the vacancy occasioned by the resignation of the Hon<sup>ble</sup> Benjamin Burt Esq<sup>r</sup>. Ordered, That the Secretary carry the above resolution to the house.

A petition, praying for a land-tax in Greensboro', A Petition from Jonathan Janes, agent for the proprietors of Richford, praying for a tax of two cents per acre on all the lands in said town, public rights excepted, and A Petition, praying for a tax of two cents per acre on all the lands in the town of Starksboro', were sent up from the house of representatives, with the following entry made on each:

“In General Assembly Oct. 16, '99.

Read and referred to the second land-tax Committee, to state facts &c.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk*.”

The said petitions, with the proceedings of the house thereon, being read, Resolved, That the council do concur in the orders made thereon respectively.

A petition, praying for a tax of three cents, on all the lands in Sheffield and Barton, and a tax of two cents, on all the lands in Brownington and Salem, and a tax of one cent and an half, on all the lands in Derby, except the public lands in said towns, for the purpose of making a particular road, was sent up from the house of Representatives, with the following order thereon:

“In General Assembly Oct. 17, '99.

Read and referred to Mess<sup>rs</sup> Hinman, Hathaway and Storrs to join a Committee from Council, to be styled the *Third* land-tax Committee, to state facts.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk*.”

The said petition, with the proceedings of the house thereon, being read, Resolved, That M<sup>r</sup> Jacob do join the aforesaid Committee.

A petition, praying for a tax of two cents on the acre, on all the lands in the township of Morristown, public rights excepted, and A petition from Tho<sup>s</sup> H. Parker, praying for a tax of one cent per acre, on Kellyvale, for the purpose of cutting a certain road through said town, were sent up, from the house of Representatives, with the following or a similar entry, made on each:

"In General Assembly, Oct. 17, 1799.

Read and referred to the third land tax Committee, to state facts &c.

Attest, SAMUEL C. CRAFTS, *Clerk.*"

The said Petitions, with the proceedings of the house thereon, being read, Resolved, That the Council do concur therein.

A Petition, signed by a large number of the inhabitants of Orwell, Sudbury and Hubbardton, praying that certain dams, at the outlet of certain ponds, may be reduced, so as to draw down the waters of said Ponds to their natural surface from the tenth day of May to the first day of November, annually, was sent up from the house of Representatives, with the following entry made thereon:

"In General Assembly Oct. 16<sup>th</sup> '99.

Read and referred to the Committee appointed on the petition of the inhabitants of Tinmouth, to join, state facts &c.

Attest SAM<sup>l</sup>. C. CRAFTS, *Clerk.*"

The said petition, with the proceedings of the house thereon, being read, Resolved, That the Council do concur in the order of the house thereon.

The resolutions sent to the house of Representatives, by the Secretary, relative to the appointment of a Brigadier General and a Councilor, were returned severally concurred.

The report of the Committee, appointed to draught and report rules for the regulations of the proceedings in Council, was again read, [and,] on motion, Resolved, That the said report be accepted, and that the rules therein contained become the rules for the regulation of Council.

Mr. Jacob, from the Committee appointed on the application of the executive authority of the Commonwealth of Massachusetts, reported as follows:

"To the hon<sup>ble</sup> the Council, now sitting,—Your Committee, appointed on the application of the executive authority of Massachusetts, relative to delivering up Peter Gilson, a fugitive from Justice, report the accompanying resolutions.

STEPHEN JACOB, *for Com<sup>tee</sup>.*

Windsor 17 Oct. 1799.

Resolved, That the resolution, passed on the 12 Inst<sup>h</sup> upon the application and request laid before this Council by his Excellency the Governor of this State, from the Executive authority of the Commonwealth of Massachusetts, be, and the same is hereby reconsidered.

Resolved, That this council do advise his Excellency Isaac Tichenor Esquire, Governor and commander in chief, in and over the State of Vermont, to cause the said Peter Gilson, designated in said application, to be arrested, and to be secured, in some good and sufficient Goal, within some county within this State, that he may be delivered over to such agent, as is or shall be duly qualified and empowered by the said executive authority of the Commonwealth of Massachusetts, that he may be brought to justice: And in case no such agent shall appear to receive the said Peter Gilson, that directions be given that the said Peter be discharged, agreeably to the laws of the United States.

Resolved further, that his Excellency do, immediately, issue his warrant and precept for the arrest and securing the person of the said Peter Gilson, under the seal of the State of Vermont, in the form following, to wit—

Here followed the form of a warrant for this particular case, and a resolution requiring the same form to be used in future.—See *Appendix G.*

The above report being read was accepted, and Ordered, That it be entered on the Journals of Council.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

On motion, Resolved, That the Governor and Council do now repair to the house of Representatives' room, to meet in joint Committee, agreeably to the concurrent resolution of both branches, for the purpose of Electing a Brigadier General in the second Brigade in the fourth division of the Militia of this State, and also a Councillor for the year ensuing.

Having joined the house of Representatives, The ballots being taken for a Brigadier General, and examined, Col<sup>o</sup> Parley Davis was declared duly elected. The ballots being taken for a Councillor for the year ensuing and examined, The Hon<sup>ble</sup> John Bridgman Esquire was declared duly elected.

On motion, Resolved, That the Governor and Council and house of Representatives at this time meet in joint Committee, for the purpose of electing an auditor of accounts against the State, and a Surveyor General, for the year ensuing. The ballots being taken for an auditor of accounts against this State and examined, Seth Storrs Esquire was declared duly elected. The ballots being taken for a Surveyor-General & examined, James Whitelaw Esqr<sup>e</sup> was declared duly elected. The Committee having dissolved, the Governor and Council returned to their Council chamber.

His Excellency the Governor laid before the hon<sup>ble</sup> Council the official correspondence between him and his Excellency Robert Prescott Esquire, Governor of the Province of Lower Canada, relative to the death of John Gregg, whose death is suggested to have been occasioned thro' the violence of one James Allen of Franklin County, in the State of Vermont, with others, and against whom Bills of Indictment had been found by the grand inquest of said Province, with the measures adopted by his Excellency the Governor of this State, in consequence of said correspondence, and the said bill being found. The said correspondence being read and considered, on motion of M<sup>r</sup> Todd, Resolved, That the Council do highly approve the measures, adopted by his Excellency, for the adjustment and happy termination of the aforesaid unfortunate occurrence—and do advise his Excellency to lay the same correspondence before the house of Representatives, for their information and consideration.<sup>1</sup>

A Petition of Theo<sup>s</sup> W. Fitch, one of the Selectmen of Hyde Park, in the County of Franklin, praying for a tax of two cents, on each acre of land in said town, public lands excepted, and for the appointment of a certain committee and collector therein named; A Remonstrance of John McDaniels and Timothy Hastings two of the Selectmen of Hyde Park in the County of Franklin, against the appointment of a certain Committee and Collector to superintend the expenditure of a certain land tax, and A remonstrance from a number of the Inhabitants and landowners in Morristown, in the County of Franklin, against a petition preferred for the purpose of obtaining a grant of a tax to build a bridge over the river La Moille, in said Morristown, and praying for the revival of an act assessing a tax of one cent on each acre of land in said Morristown, for the purpose of making and repairing roads and building Bridges in said Town, were sent up from the house of representatives, with the following, or similar entry made on each :

"In General Assembly Oct. 17, 1799.

Read and referred to the third land-Tax Committee, to state facts &c.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said petition and remonstrances, with the proceedings of the

<sup>1</sup> See *Appendix J*.

house thereon, being read, Resolved, That the Council do concur in the orders of the house thereon respectively.

A petition of a large number of the Inhabitants of Woodstock, stating that writs of ejectment have been brought against a considerable number of them, for the lands on which they are now settled, by Asa Porter, a Citizen of New Hampshire, as administrator on the Estate of Charles Ward Apthorp, deceased, by virtue of whose right he claims, which lands they purchased of, and hold deeds from, Ebenezer Curtiss Esquire, one of the Commissioners for the sale of confiscated Estates, and praying for the interference of the legislature in some way or other in the premises, was sent up from the house of representatives with the following entry made thereon :

“ In General Assembly. Oct<sup>r</sup>. 17<sup>th</sup>. 1799.

Read and referred to Mess<sup>rs</sup> Wait, Williams, Cutler, G. Olin and Curtiss, to join a Committee from Council, to state facts &c.

Attest SAM<sup>L</sup>. C. CRAFTS, Clerk.”

The said petition, with the proceedings of the house thereon being read, Resolved That Mess<sup>rs</sup> Marvin and Miller do join the aforesaid Committee appointed by the house.

The following resolution was received from the house of representatives:

“ In General Assembly Oct<sup>r</sup>. 14<sup>th</sup>. 1799.

On motion Resolved, That his Excellency the Governor and Council be requested to meet the house of Representatives in the representatives' room, on Monday next, at the opening of the house in the afternoon, for the purpose of taking under consideration the resolutions of Virginia and Kentucky.

Extract from the Journals, Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk.”

The said resolution being read, Resolved, That the Governor and Council concur therein.

The Council adjourned untill 9 O'Clock Tomorrow morning.

FRIDAY, October 18<sup>th</sup>. 1799, 9 O'Clock A. M.

The Council met pursuant to adjournment.

The hon<sup>ble</sup> Elisha Allis appeared in Council, and after taking the necessary oaths was admitted to a seat.

Ordered, That the Secretary write to the hon<sup>ble</sup> John Bridgman Esquire, notifying him of his election, as a Councillor, to supply the vacancy occasioned by the resignation of hon<sup>ble</sup> Benj<sup>l</sup>. Burt Esquire.

The hon<sup>ble</sup> Enoch Woodbridge, Chief Justice of the Supreme Court of Judicature, and Noah Smith, assistant Judge of said Court, appeared before the Council, and were severally and duly sworn to the faithful discharge of their said offices, as the law directs, by his Honor the L<sup>t</sup> Governor.

The following resolution was sent up from the house of Representatives:

“ In General Assembly Oct. 17, 1799.

On motion, Resolved, that it be the duty of the several land tax Committees, when they report in favor of any petition, praying for a land tax on any town or gore of land, to report to this house what sums have heretofore been laid on such town or gore of land, by the Legislature, for the purpose of making roads, building Bridges, &c. in such town or gore.

Extract from the Journals, Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk.”

The said resolution being read, Resolved, That the Council do concur therein.

A Petition of the inhabitants, land-owners and proprietors of Middlesex, in the County of Chittenden, praying for a tax of one and an half cents on all the lands in said town, public lands excepted, for the purpose of making and repairing roads and building bridges—and a petition of Nathl P. Sawyer and John McConnel, praying that a tax of two cents per acre be granted on all the lands in Duncansboro', public lands excepted, for the purpose of making roads &c. were sent up from the house of Representatives, with the following or a similar entry on each.

"In General Assembly Oct. 18, 1799.

Read and referred to the third land tax Committee, to state facts &c.

Attest, SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petitions, with the proceedings of the house thereon, being read, Resolved, That the Council do concur therein respectively.

A petition of Roswell Hopkins, praying that he and his associates may be empowered to erect a toll bridge over the River Otter-Creek, so called, in the City of Vergennes, under certain regulations, was sent up from the house of representatives with the following entry made thereon:

"In General Assembly Oct. 18, 1799.

Read and referred to Mess<sup>rs</sup>. Stanton, Witherell and P. Davis, to join a Committee from Council, to report by bill or otherways.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said petition, with the proceedings of the house thereon, being read, Resolved, That Mr. Stroug do join the aforesaid Committee.

The petition of James Whitelaw Esquire, Agent for the proprietors of Salem, by vote, and for Charles Adams Esq<sup>r</sup>. for four rights, by contract, praying to be refunded certain monies paid by said proprietors, in consequence of the said town of Salem not containing the number of acres contained in the Charter, and to be reimbursed certain expences which have attended former applications to this legislature for redress, was sent up from the house of Representatives, with the following entry made thereon, viz.

"In General Assembly Oct. 16<sup>th</sup> 1799.

Read and referred to Mess<sup>rs</sup>. Ormsby, Duncan, Train, Elias Keyes, Linsley, Fiske, Stanton, Sias and Janes, to join a Committee from Council, to state facts & make report.

Attest SAMUEL C. CRAFTS, *Clk*."

The said Petition, with the proceedings thereon being read, Resolved, That Mess<sup>rs</sup>. Allis and Spencer do join the aforesaid Committee.

The Council adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The petition of Elisha Burton, Israel Smith, Zebina Curtiss and Elias Stevens, stating that the General Assembly of this State, in the year A. D. 1785, granted a tract of land in this State, now known by the name of Wheelock, containing Twenty three thousand and forty acres—The one equal half of which was granted to and for the use and benefit of Dartmouth College—The other half was granted for the use and benefit of a seminary, described in said grant or charter, known by the name of Moor's School—which school or seminary did not, at the time of said grant, or any other time exist—Nor hath any person or persons whatever, right or power to act for and in behalf of said Moor's school—And considering, therefore, that the said grant or charter, made to Moor's school as aforesaid, was and is totally void and of no effect, but that the said land is now the property of the State—And therefore praying that a charter may issue to the said petitioners and their associates, to the number of thirty two, granting to them the lands aforesaid, under such restrictions and regulations as the hon<sup>ble</sup> legislature may think proper,



was sent up from the house of representatives, with the following entry made thereon, viz.

“ In General Assembly Oct. 18, 1799.

Read and referred to Mess<sup>rs</sup> Chipman, Williams and G. Olin, to join a Committee from Council, to state facts &c.

Attest, SAM<sup>l</sup>. C. CRAFTS, *Clerk.*”

The said petitions with the said proceedings thereon being read, Resolved, That Mess<sup>rs</sup> Chamberlain and Jacob do join the afores<sup>d</sup> Committee.

A Petition of James Rogers of Chester in behalf of himself and other heirs of James Rogers, deceased, stating certain facts and praying to be discharged from the payment of a sum of four hundred dollars, due from the petitioner to the Treasury of this State, or to suspend the payment thereof to some future period or otherways grant redress in some other way, was sent up from the house of Representatives with the following entry made thereon :

“ In General Assembly Oct. 18<sup>th</sup> 1799.

Read and referred to Mes<sup>rs</sup> Hay, A. Barlow & Wright, to join a committee from Council to state facts &c.

Attest SAM<sup>l</sup>. C. CRAFTS, *Clerk.*”

The said petition, with the above proceedings thereon, being read, Resolved, That Mr. Allis do join the aforesaid Committee.

A Petition signed by the Selectmen of South-hero North-hero, Alburgh and Isle of Motte, in behalf of their respective towns, praying that a new County may be created out of said towns, with the adjacent Islands, with all the privileges and immunities of other Counties, except that all appeals shall be carried from said County to the supreme Court of Judicature, when sitting in the County of Franklin, was sent up from the house of Representatives with the following entry made thereon :

“ In General Assembly, Oct<sup>r</sup> 18, 1799.

Read and referred to Mes<sup>rs</sup> Bradley, E. Wheelock, P. Smith, S. Perkins, Linsley, Johnson and Blanchard to join a Committee from Council to state facts &c.

Attest SAM<sup>l</sup>. C. CRAFTS, *Clerk.*”

The said petition and the above proceedings thereon being read, Resolved, That Mes<sup>rs</sup> Brigham and Todd do join the afores<sup>d</sup> Committee.

A Petition from the Inhabitants and landowners in Bolton, praying for a grant of a tax of two cents on each acre of land in said town, public rights excepted, was sent up from the house of Representatives with the following entry made thereon :

“ In General Assembly, Oct. 18, 1799.

Read and referred to the first land tax Committee, to state facts &c.

Attest SAM<sup>l</sup>. C. CRAFTS, *Clk.*”

The said petition, with the proceedings of the house thereon, being read, Resolved, That the Council do concur therein.

The Council adjourned untill 9 O'clock Tomorrow morning.

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SATURDAY, October 19<sup>th</sup>. 1799, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolution was received from the house of Representatives, viz.

“ In General Assembly, Oct. 18, 1799.

Resolved, that his Excellency the Governor, by and with the advice of Council, be requested to issue his Proclamation, appointing the First Thursday of December next, to be observed as a day of public Thanksgiving and praise, throughout this State. Extract from the Journals.

Attest SAM<sup>l</sup>. C. CRAFTS, *Clk.*”

The said resolution being read, Resolved, That the Council do advise his Excellency to issue his proclamation agreeably to the foregoing resolve. Ordered, That the Secretary acquaint the house therewith.

A petition, from the proprietors and landowners of Williston, in the County of Chittenden, praying that an act may be passed, authorizing and empowering the proprietors and landowners of said town to establish the former doings of said Proprietors, was sent up from the house of representatives, with the following entry made thereon:

"In General Assembly, Oct. 18, 1799.

Read and referred to Mess<sup>rs</sup> Hathaway, A. Wheelock, E. Wheelock, Cobb and Stanton to join a Committee from Council, to state facts &c.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said petition, with the proceedings of the house thereon being read, Resolved, That Mr. Safford do join the aforesaid Committee.

A petition from the inhabitants of Stowe, praying for a tax of two cents per acre on all the lands in said town, public rights excepted, was sent up from the house of representatives, with the following entry made thereon, viz.

"In General Assembly Oct. 19, 1799.

Read and referred to the third land tax Committee, to state facts and make report.

Attest, SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said Petition, with the proceedings of the house thereon, being read, Resolved, That the Council do concur therein.

His Excellency transmitted a message to the house by the Secretary, agreeably to the advice of Council, relative to the circumstances of the death of the late John Gregg.

Adjourned to 10 O'clock on Monday morning.

WINDSOR, Monday, Oct<sup>r</sup> 21<sup>st</sup> 1799, 10 o'clock A. M.

The Council met pursuant to adjournment.

A petition praying for a land tax of two cents per acre on all the lands in the township of Mansfield, public lands except, was sent up from the house of Representatives, with the following entry made thereon:

"In General Assembly, Oct. 21, 1799.

Read and referred to the third land tax Committee, to state facts &c.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said petition, and the proceedings of the house thereon, being read, Resolved, That the Council do concur therein.

His Excellency laid before the Council a letter from Gen<sup>l</sup> Ira Allen, dated at Paris 23 Aug<sup>t</sup> 1798, covering an address to the Governor of this state, the hon<sup>ble</sup> the Council and the General Assembly, relative to the situation of certain arms, stated to have been purchased under the direction of the late Governor Chittenden, which the Governor, with the advice of Council, transmitted to the General Assembly.<sup>1</sup>

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The Council met pursuant to adjournment, and proceeded to the house of Representatives, and then joined the house, agreeably to concurrent resolutions of both branches, to take under consideration the resolutions of Virginia and Kentucky, communicated to the legislature by message from his Excellency. The joint Committee having in part considered the same, adjourned until Wednesday next at 2 O'clock P. M. The Council returned to their Chamber, and, on motion, Adjourned until 9 O'clock tomorrow morning.

<sup>1</sup> As to the arms purchased by Allen, see Vol. III, pp. 413-418.

TUESDAY, October 22<sup>nd</sup>. 1799, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, passed in the house of Representatives, Entitled "An act giving relief to Jonathan Armstrong," was sent up for revision and concurrence or proposals of amendment. The said bill being read, Resolved, That the Council do not concur in passing said bill. On motion, Ordered, That said bill lie on the table for further order.

Mr. Chamberlain moved for leave to introduce a Bill Entitled "An act in addition to and in alteration of an act Entitled 'An act establishing the County Grammar school, in the County of Caledonia, in the Town of Peacham,' passed Oct. 27<sup>th</sup>. 1795." Ordered, That he have leave—and the said bill being read, Resolved, That the said bill do pass, and ordered that the Secretary carry the same to the house, for their revision and concurrence or proposals of amendment.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act to enable the proprietors and landowners of the town of Athens in the County of Windham, to ratify and establish their first division lots in said town," was sent up for revision and concurrence, or proposals of amendment. The said bill being read, Resolved, That the Council do concur in passing the same—and Ordered, That the Secretary do acquaint the house therewith.

A bill, passed in the house of Representatives, Entitled "An act authorizing the Judges of the County of Caledonia to accept the Court-house in Danville," was sent up for revision &c. and the same being read, Resolved, That the Council do concur in passing said bill, and Ordered, That the Secretary acquaint the house therewith.

On motion of Mr. Jacob, Resolved, That the vote nonconcurring the passing of the bill sent from the house of Representatives, Entitled "An act granting relief to Jonathan Armstrong," be and hereby is reconsidered. The said bill being again read and considered, Resolved, That the Council do not concur in passing the said bill. Ordered, That Mr. Jacob be requested to return said bill to the house of representatives, and acquaint them with the reasons of Council for their nonconcurrence.

A bill, passed in the house of Representatives, Entitled "An [act] giving certain powers to Zerubbabel Eager," was sent up for revision &c.—and the same being read, Ordered, That it lie on the table for consideration, and that the Secretary enquire of the house of Representatives whether the said bill was brought in on the report of a Committee, or on motion of a member, and the reasons inducing the house to pass the same.

A petition of the proprietors, landowners and settlers in the townships of Newbury, Topsham, Orange, Williamstown, Washington, Corinth, Bradford and Vershire, praying that a law may be passed, designating and establishing a certain Birch Tree, being seven miles three quarters and twenty eight rods from Connecticut river, on the south side of Newbury, to be the southwesterly corner thereof, together with a memorial from Ezra Goodell, Israel Smith, Thomas Johnson, and Mansfield Tappin, relative to the same subject, were sent from the house of representatives with the following entry made thereon, viz.

"In General Assembly Oct. 22, 1799.

Read and referred to Mess<sup>rs</sup>. G. Olin, Blake, Williams, Burton, Chipman, El<sup>l</sup>. Keyes, Sias, and Hathaway, to join a Committee from Council to state facts &c.

Attest,

SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said Petition and memorial, with the proceedings of the house thereon, being read, Resolved, That Mes<sup>rs</sup> Spencer and Todd do join the afores<sup>d</sup> Committee.

The Council adjourned to 9 O'clock Tomorrow morning.

WEDNESDAY October 23<sup>d</sup>. 1799, 9 O'clock A. M.

The Council met pursuant to adjournment.

The petition upon which the bill sent up from the house of representatives yesterday afternoon, Entitled "An act granting certain powers to Zerubbabel Eager," was predicated, was rec<sup>d</sup>. in Council, on which was a report in favor of the prayer of said petition, which had been accepted by the house on the 21<sup>st</sup> Instant—and the said bill being again read and considered, Resolved, That the Governor and Council do concur in passing said bill. Ordered, That the Secretary acquaint the house with the same.

A bill, passed in the house of representatives, Entitled "An act directing the Treasurer of this State to give up a certain bond." was sent up for revision &c. The said bill, with the petition on which the same is predicated, being read and considered, Resolved, That the Governor and Council do concur in passing the same. Ordered, That the Secretary acquaint the house therewith.

His Excellency communicated the following written message to the Council, thro' their Secretary, viz.

"Mr. Whitney, Sec<sup>y</sup> to the Governor and Council,—I cannot attend the Council this morning. The Court martial have found David Whitney, Major General of the Third division, guilty of unmilitary conduct, and adjudg'd and sentenced him to be removed from office. I have conceived it to be my duty to approve the sentence. You will make this known to the Council, that measures may be adopted for the appointment of a Major General of the Third Division. ISAAC TICHENOR.

Wednesday morning 10 o'clk 23 Oct. 1799."

The said message being read and considered, on motion, Resolved. The house of Representatives concurring therein, that the house of representatives meet the Governor and Council, in the representatives' room, at the opening of the house, tomorrow afternoon, in joint Committee, for the purpose of electing a Major General of the third Division of the Militia of this State, in the room of David Whitney, removed from office by the sentence of a Court Martial, which sentence has been approved by the Captain General. Ordered, That the Secretary carry the above resolution to the house.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The Council met pursuant to adjournment, and proceeded to the house of Representatives, agreeably to the adjournment of the joint Committee on the Virginia and Kentucky resolutions. The said Committee, having adjourned to the opening of the house, in the afternoon, on Tuesday next, the Council returned to their chamber.

The resolution passed in Council, in the forenoon, relative to the election of a Major General, in the room of David Whitney removed, was returned from the house of representatives concurred.

Mr. Chipman, member of the house of representatives, appeared in Council Chamber, and returned a bill Entitled "An act granting relief to Jonathan Armstrong," with this entry made thereon, viz.

"In General Assembly Oct. 23, 1799.

On motion to reconsider the vote passing the within bill, Resolved,

That the house do not reconsider the vote passing the within bill, and that Mr. Chipman be requested to wait on the Council, and state their reasons.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk.*"

Mr. Chipman, after stating the reasons of the house for not reconsidering, but adhering to their former vote passing said bill, withdrew. The said bill being again read and considered, Resolved not to reconsider the vote nonconcurring the passing of said bill at this time. Ordered, That said bill lie on the table untill tomorrow.

On motion of Mr. Safford, Resolved, That he have leave of absence during the remainder of the session, after tomorrow noon next.

On motion of Mr. Chamberlain, Resolved, That he have liberty of absence, after Friday noon next, during the remainder of the Session.

The following written message was received from the house of representatives by an officer, viz.

"In General Assembly Oct. 23, 1799.

The house have concurred in passing a bill, received from Council on the 22<sup>d</sup>. Entitled "An act in addition to and in alteration of an act entitled 'an act establishing the County Grammar School of the County of Caledonia, in the town of Peacham,' passed Oct. 27, 1795 "

SAM<sup>L</sup>. C. CRAFTS, *Clerk.*"

The Council adjourned untill 9 O'clock tomorrow morning.

THURSDAY, October 24 1799, 9 O'clock A. M.

The Council met pursuant to adjournment.

His Excellency stated to the Council that he had accepted the resignation of General Elias Stevens, whereupon, Resolved, The house of Representatives concurring therein, that the house of representatives meet the Governor and Council, in the representatives' room, at the opening of the house in the afternoon, in joint committee, for the purpose of electing a Major General in the Fourth division of this State, to supply the vacancy occasioned by the resignation of Major General Elias Stevens, whose resignation has been accepted by the Captain General.

The following written message was received from the house :

"In General Assembly Oct. 24<sup>th</sup>. 1799.

On motion, Resolved, that Mr. Storrs be released from serving on the third land tax Committee, and that Mr. Ellsworth be appointed in his room.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk.*"

A bill, Entitled "An act in addition to an act Entitled 'an act directing the publishing of advertisements in the news papers therein mentioned,' passed the 6<sup>th</sup>. day of Nov<sup>r</sup>. 1798," was sent up from the house, with the following entry made thereon :

"In General Assembly, Oct. 23, 1799.

Read and referred to Mess<sup>rs</sup>. Bradley, Hunt, Harrington, I. Smith, S. Pond, El<sup>m</sup>. Keyes, Fiske, Bean and Hathaway, to join a Committee from Council, to examine into the expediency of amendments proposed and report.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk.*"

The said bill, with the proceedings of house therein, being read, Resolved, That Mr. Allis do join the aforesaid Committee.

A bill, Entitled "An act suspending civil process against Eli Coggs-well," was sent up from the house of representatives with the following entry made thereon :

"In General Assembly, Oct. 23, 1799.

Read and referred to Mess<sup>rs</sup>. Chipman, Elias Keyes and G. Olin to join from Council.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk.*"

The said bill, with the proceedings of the house thereon, being read, Resolved, That Mess<sup>rs</sup> Brigham and Allis do join the aforesaid Committee.

His Excellency the Governor laid the following letter from the hon<sup>ble</sup> Silas Hathaway Esquire, before the Council:

WINDSOR, Oct<sup>r</sup> 22<sup>nd</sup>. 1799.

Sir,—My necessary absence from this State, until January next, induces me to resign the office of second Assistant Judge in the County of Franklin. And, as it may be proper to fill the vacancy for the next Session of the County Court for that County, which will be in November next, I must request you to receive this as my resignation.

I am yours &c.

SILAS HATHAWAY.

To his Excellency Isaac Tichenor.

The said letter being read, Resolved, That the Governor and Council do at this time proceed by ballot, to fill said vacancy, and the ballots being taken and examined, Elnathan Keyes Esq<sup>r</sup> of Sheldon, was declared duly elected. On motion, Resolved, That the Governor issue a Commission to the said Elnathan Keyes Esquire accordingly.

The resolution, passed in Council this morning, relative to the election of a Major General to supply the vacancy occasioned by the resignation of Major General Elias Stevens, was returned from the house of representatives concurred.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act assessing a tax of three cents per acre on the town of Bromley [Peru,]" was sent up to the Governor and Council for revision and concurrence or proposals of amendment. The said bill being read, Resolved, That the Governor and Council do concur in passing the same. Ordered, That the Secretary acquaint the house therewith.

The bill, Entitled "An act granting relief to Jonathan Armstrong," which was sent to the Governor and Council from the house, yesterday afternoon, by M<sup>r</sup> Chipman, and to the passing of which bill the Council had heretofore nonconcurred, was again taken under consideration. Resolved, That the vote nonconcurring said bill be and hereby is reconsidered. On motion of M<sup>r</sup> Todd, Ordered, That said bill lie on the table untill tomorrow morning.

A bill, Entitled "An act granting relief to Zadock Hard and others," was sent up from the house of representatives, with the following entry made thereon:

"In General Assembly Oct. 24<sup>th</sup>. '99.

Read and referred to Mes<sup>rs</sup> G. Olin, Burt, Witherell, J. Marsh, M. Smith, Johnson, Leavenworth, Sias and Hathaway, to join a Committee from Council, to state facts relative to the same in detail, and make report accordingly.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said bill, with the proceedings of the house thereon, being read, Resolved, That M<sup>r</sup> Knoulton do join the aforesaid Committee.

M<sup>r</sup> Knoulton appeared in Council and took his seat.

A Bill, passed in the house of representatives, Entitled "An act directing the Treasurer of this State to pay to Seth Storrs, auditor, the sum therein mentioned," was sent up to the Governor and Council for their revision &c. and the same being read, Resolved, That the Governor and Council do concur in passing said bill. Ordered, That the Secretary acquaint the house therewith.

A bill, passed in the house of representatives, Entitled "An act directing the Treasurer of this State to credit the town of Westminster the sum therein mentioned," was sent up for revision &c. and the same

being read, Resolved, To concur with the house in passing the same into a law.

The Council adjourned untill 9 O'clock Tomorrow morning.

FRIDAY, October 25<sup>th</sup>. 1799, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, Entitled "An act to provide for the sending a Committee to inspect the situation of the shire in the County of Windham, and to remove the same if necessary," was sent up from the house of Representatives, with the following entry made thereon :

"In General Assembly, Oct<sup>r</sup> 24, 1799.

Read and referred to Mess<sup>rs</sup> D. Sheldon, Hammond, Burton, Burnham, and Storrs, to join and report their opinion thereon.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said bill, with the proceedings of the house thereon, being read, Resolved, That Mess<sup>rs</sup> Miller and Allis do join the aforesaid Committee.

A bill, passed in the house of Representatives, Entitled "An act annexing part of Coits Gore to the town of Bakersfield," was sent up for revision &c. and the same being read, Resolved, That the Governor and Council do concur in passing said bill. Ordered, That the Secretary acquaint the house therewith.

On motion, Resolved, That M<sup>r</sup>. Knoulton join a Committee appointed on the petition of the proprietors and landowners of the town of Williston, in the room of M<sup>r</sup>. Safford, who has obtained leave of absence.

The Council resumed the consideration of the bill Entitled "An act granting relief to Jonathan Armstrong;" after considerable debate, Resolved, That the said bill lie on the table for consideration, till the afternoon.

A Bill, Entitled "An act incorporating certain persons therein named, by the name of the Green Mountain Turnpike Company," was sent up from the house of representatives, with the following entry made thereon, viz.

"In General Assembly, Oct. 25<sup>th</sup>. 1799.

Read and referred to Mess<sup>rs</sup> Bean, Linsley and E. Stevens to join a Committee from Council, to be amended.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said bill, with the proceedings of the house thereon, being read, Resolved, That Mess<sup>rs</sup> Knoulton and Strong do join the aforesaid Committee.

M<sup>r</sup>. Allis asked permission to introduce a bill Entitled "An act in addition to an act Entitled 'an act for the support of the Gospel.'" Ordered, That he have leave, and the said bill being read, Resolved, That it be referred to a Committee of three, to report thereon. Members chosen —Mess<sup>rs</sup> Brigham, Allis and Robinson.

A bill, Entitled "An act constituting and establishing a Medical Society in the State of Vermont, to be known by the name of the Vermont Medical Society," was sent up from the house of Representatives with the following entry made thereon:

"In General Assembly Oct. 25, 1799.

Read and referred to Mess<sup>rs</sup> Wright, Burt, H. Horton, Elias Stevens, S. Jewett, Walker, Bottom, E. Strong and Danforth, to join a Committee from Council, to state facts &c. Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said bill, with the proceedings of the house thereon, being read, Resolved, That Mess<sup>rs</sup> Spencer and Todd do join the aforesaid Committee.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following bills, passed in the house of representatives, were sent up to the Governor and Council, for revision and concurrence, or proposals of amendment: "An act assessing a tax of three cents per acre on Avery's Gore, situate in the County of Orleans;" "An act directing the Treasurer of this State to credit the constable of the town of Cavendish the sum therein mentioned;" "An act laying a tax of two cents per acre on the town of Starkshoro';" "An act assessing a tax of two cents per acre on the town of Westford;" "An act directing the Treasurer of this State to pay John Foster Esquire forty seven dollars and fifty two cents;" and "An act dividing the town of Andover, and constituting a new town by the name of Weston." The said bills being severally read, Resolved, That the Governor and Council do concur in passing the same respectively. Ordered, That the Secretary acquaint the house therewith.

The bill Entitled "An act giving relief to Johnathan Armstrong," was again read and considered; on motion, Resolved, That the passing of the same be suspended untill the next session of the General Assembly.

The Council adjourned untill 9 O'clock tomorrow morning.

SATURDAY October 26<sup>th</sup> 1799, 9 o'clock A. M.

The Council met pursuant to adjournment.

The hon'ble John Bridgman appeared in Council, and after taking the necessary oaths, was admitted to a seat.

Major General William Chamberlain personally appeared and was duly qualified to his office as Major General of the fourth division of the Militia of this State, before the Council.

The hon'ble William Chamberlain, chief Judge of the County Court within and for the County of Caledonia, personally appeared, and was sworn, before the Council, faithfully to execute the duties of his office as such.

The following resolution was sent up from the house of Representatives, viz.

"In General Assembly, Oct. 25<sup>th</sup> 1799.

Resolved, That Mr Shumway, Mr Harrington and Mr G. Olin, be a Committee, on the part of the house, jointly with such Committee as may be appointed on the part of the Council, to examine an act entitled "An act for the relief of goals and goalers," and to report by bill or otherwise.

Extract from the Journals. Attest SAM<sup>l</sup>. C. CRAFTS, *Clerk*."

The said resolution being read, Resolved, that Mr Bridgman do join the aforesaid Committee on the part of Council. Ordered, That the Secretary acquaint the house with the same.

The following resolution was sent up from the house of representatives, viz.

"In General Assembly, Oct. 25, 1799.

On motion, Resolved, the Governor and Council concurring therein, That the Treasurer of this State be, and he hereby is directed to stay any proceedings against Joel Giffin, the Collector of State taxes in the town of Swanton, on the tax of one cent on the dollar, laid in October, 1798, untill the rising of the Legislature in October 1800. Extract from the Journals. Attest SAM<sup>l</sup>. C. CRAFTS, *Clerk*."

The said resolution being read, Judge Marvin stated the reasons for passing the same, whereupon Resolved, That the Governor and Council do concur in passing said resolution.



The following bills, passed in the house of representatives, were sent up for revision and concurrence or proposals of amendment, viz.

"An act to suspend the operation of an Execution in favor of Samuel Mattocks, Treasurer of this State, against Abel Stevens and John C. Waller;" "An act incorporating certain persons therein named into a Society, by the name of the Rockingham Library Society;" "An act to incorporate certain persons therein named, into a Society, by the name of the Fairhaven Library Society;" "An act annexing a tract of land, called Stratton gore, in the County of Windham, to the town of Stratton;" "An act directing the treasurer of this State to credit the town of Royalton the sum therein mentioned;" "An act granting the right of making a Turnpike road from Brookfield to Onion River, to Elijah Paine, his heirs and assigns;" and "An act assessing a tax of two cents on each acre of land in the town of Cabot;" and the said bills being severally read, Resolved, That the Governor and Council do concur in passing the same. Ordered, That the Secretary acquaint the house with the same.

A bill passed in the house of Representatives, Entitled "An act appointing a Committee to lay out and survey a County road from Montpelier and Calais to Danville," was sent up for revision, &c. and being read and considered, Resolved, that the Governor and Council do concur in passing the said bill, with the following amendment—That between the words "of" and "making," in the fourth line in the second Section, insert the following words, to wit. "The Committee for laying out and surveying said road, and,"—and erase the words, "such road," in the 5<sup>th</sup> line, and insert the words "the same" in lieu thereof.

The Council adjourned until 10 o'clock Monday morning.

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**MONDAY October 28<sup>th</sup> 1799, 10 O'clock A. M.**

The Council met pursuant to adjournment.

Samuel Mattocks Esquire, Treasurer of the State, appeared in the Council Chamber, with his sureties, and executed his bond, agreeably to law, and was, thereupon, duly qualified, by taking the oath of office prescribed by the Constitution and by law, which was administered by his honor Paul Brigham, L<sup>t</sup> Governor and presiding officer.

Ordered, That the Secretary of the Governor and Council lodge said Bond with the Secretary of State.

M<sup>r</sup> Todd asked permission to lay on the table the following resolution, viz.

**IN COUNCIL, Oct. 28<sup>th</sup> 1799.**

Resolved, that this Council have no constitutional right to nonconcur any bill sent from the house of representatives, or power to suspend the passing of any bill, untill proposals of amendment have first been made, by council, to such bill.

Ordered, That he have leave. The said resolution being then read and considered, on the Question, Shall the said Resolution, so introduced, become a resolution of Council, It passed in the affirmative.

The Council resumed the further consideration of the bill Entitled "An act granting relief to Jonathan Armstrong." On motion, Resolved, That the vote, passed by Council on the 25 Inst. "suspending the passing of said bill untill the next session of the General Assembly," be and the same is hereby reconsidered. After further discussion, on motion, Resolved, further, that the Governor and Council do concur in passing said bill, with the following proposals of amendment, viz.—That the word "fifty" in the fifth line as numbered, be erased, and the words "Sixty two," be inserted in lieu thereof—and that the whole of the 13<sup>th</sup>

and 14<sup>th</sup> lines be erased, and in lieu thereof add the following, to wit : "first assigning and delivering over to the treasurer, for the benefit of the said James Richmond, all written securities or claims which he has received from the said Richmond on account of his the said Armstrong's executing the note aforesaid." Ordered, That M<sup>r</sup>. Robinson be requested to inform the house of the reasons of Council in proposing the said amendments.

A bill, Entitled "An act for the relief of Jonathan Eggleston, of Medway," was sent up from the house of representatives, with the following entry made thereon:

"In General Assembly Oct. 28<sup>th</sup> 1799.

Read and referred to Mess<sup>rs</sup>. Williams, Linsley and Cahoon, to join a Committee from Council, to state facts &c.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

The said bill, with the proceedings of the house thereon, being read, Resolved, That M<sup>r</sup>. Bridgman do join the aforesaid Committee, on the part of Council.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

His Excellency laid before the Council the following letter from General Chamberlain:

"WINDSOR Oct. 27<sup>th</sup> 1799.

Sir,—At the time of my late appointment and acceptance of the office of Major General of the Fourth Division of the Militia of this State, I then did, and still do consider, that I held the first military rank in said division: But, I find, Sir, since my acceptance of that appointment, that many of the officers and other Gentlemen, whose judgment I am bound to respect, [are of opinion] that my resignation and acceptance of the office of Brigadier General, has given that rank to Brig<sup>d</sup>. General Curtiss. If this opinion be correct, I can, by no means, consent to wound the feelings of so distinguished an officer, by continuing a command to which my rank does not entitle me. I must, therefore, request your Excellency to accept my resignation of the office of Major General of the Fourth Division.

With Sentiments of respect, I am, Sir, your Excellency's most Ob<sup>d</sup>. Servant,

W<sup>m</sup>. CHAMBERLAIN.

His Excellency Isaac Tichenor Esq<sup>r</sup>."

Resolved, The house of Representatives concurring therein, that the house of Representatives meet the Governor and Council in the Representatives' room, in joint Committee, at the opening of the house tomorrow afternoon, for the purpose of electing a Major General in the Fourth Division of the militia of this State, to supply the vacancy occasioned by the resignation of Major Gen<sup>l</sup>. W<sup>m</sup>. Chamberlain, whose resignation has been accepted by the Captain-General.

M<sup>r</sup>. Robinson, a member of the house, appeared in Council and returned the bill, Entitled "An act for the relief of Jon<sup>a</sup>. Armstrong," which had been sent to the house of Representatives concurred with certain proposals of amendment, with the following entry made thereon, viz:

"In General Assembly Oct. 28<sup>th</sup> 1799.

Resolved, that the house do not concur in the amendments proposed by the Governor and Council, and that M<sup>r</sup>. Robinson be requested to wait upon the Governor and Council and state the reasons of the non-concurrence as aforesaid.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

M<sup>r</sup>. Robinson, after stating [the reasons of] the house of Representatives for their nonconcurrence, withdrew.

The said bill, being again read and considered, Resolved, That the passing of said bill be suspended untill the next Session of the General Assembly.

The following bills passed in the house of Representatives were sent up to the Governor and Council for revision and concurrence, or proposals of amendment: "An act assessing a tax of two cents per acre on the township of Greensboro;" "An act assessing a tax of six cents on each acre of land in the township of Chelsea, in the County of Orange, for the purpose therein mentioned;" and, "An act empowering Daniel Rice to sell lands in the case therein mentioned." The said bills being severally read, Resolved, To concur with the house in passing the same respectively.

The resolution, passed in Council this afternoon, relative to the Election of a Major General in the fourth Division, to supply the vacancy occasioned by the resignation of Major Gen<sup>l</sup> Chamberlain, was returned from the house concurred.

The Council adjourned to 9 O'clock tomorrow morning.

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**TUESDAY, October 29<sup>th</sup> 1799, 9 O'clock A. M.**

The Council met pursuant to adjournment.

Mr Jacob asked permission to introduce a bill, Entitled "An act in addition to an act passed Oct. 17, 1793, Entitled 'An act dividing the town of Windsor, into two distinct Societies.'" Ordered, That he have leave. The said bill being read and considered, Resolved, That the said bill do pass, and ordered, That it be engrossed and sent to the house of Representatives for revision and concurrence or proposals of amendment. Ordered That Mr Jacob be requested to carry down said bill and state the reasons for passing the same.

Adjourned to 2 O'clock P. M.

**2 O'CLOCK P. M.**

Agreeably to the concurrent resolution of both houses, the Governor and Council proceeded to the representatives' room, and having joined that body in joint committee, proceeded to the choice of a Major General in the Fourth Division of the Militia of this State, and the ballots, being taken and examined, the Hon<sup>l</sup> Zebina Curtiss Esq<sup>r</sup> was declared duly elected. The Governor and Council and house of Representatives then formed in joint Committee, pursuant to adjournment, on the Virginia and Kentucky resolutions, and having agreed upon an answer to the same, the joint Committee was dissolved, & the Governor and Council returned to their Chamber.<sup>1</sup>

A bill, passed in the house of Representatives, Entitled "An act for the purpose of settling disputes respecting landed property," was sent up, for revision, &c., and being read, Ordered, That it lie on the table for consideration.

A bill, passed in the house of Representatives, Entitled "An act for the organization of the County of Orleans," was sent up for revision, &c., and the same being read, Ordered, That it lie on the table untill tomorrow morning.

The Council adjourned untill 9 O'clock tomorrow morning.

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**WEDNESDAY October 30<sup>th</sup> 1799, 9 O'clock A. M.**

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent up to the Governor and Council for revision and concurrence, or pro-

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<sup>1</sup> See *Appendix K.*

posals of amendment, viz. "An act to defray the Expences of a Court of Enquiry on the case of the death of John Greggs, held in the Month of May A. D. 1799 at Alburgh," and "An act for the relief of Jonathan Eggleston, of Medway." The said bills being severally read, Resolved, That the Governor and Council do concur in passing the same. Ordered, That the Secretary inform the house of the same.

The bill, sent up yesterday from the house of Representatives, Entitled "An act for the purpose of settling disputes respecting landed property," was again taken under consideration. On motion, Ordered, That the same be referred to a Committee of three, to report amendments. Members chosen, Mr. Jacob, Mr. Spencer, and Mr. Marvin.

A bill, passed in the house of Representatives, Entitled "An act directing the Treasurer of the State of Vermont to pay the sums therein mentioned," was sent up for revision &c. The said bill being read, Resolved, That the Governor and Council do concur in passing the same. Ordered, That the Secretary inform the house of the same.

The Council adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill passed in the house of Representatives, Entitled "An act directing the Treasurer of the State of Vermont to pay the several sums of money therein mentioned," was sent up for revision &c. The same being read, Resolved, That the Governor and Council do concur in passing the same. Ordered, That the Secretary acquaint the house therewith.

A bill, Entitled "An act directing the Treasurer of this State to pay the proprietors of Salem the sum therein mentioned," was sent up from the house of Representatives, with the following entry made thereon :

"In General Assembly Oct. 30, 1799.

Read and referred to the Committee on the Petition of James Whitelaw, agent of the proprietors of Salem, to make further examination and report accordingly.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said bill, with the proceedings of the house thereon, being read, Resolved, That the Governor and council do concur in the said reference.

A bill, Entitled "An act giving relief to Zadock Hard and others," was sent up from the house of representatives with this entry made thereon :

"In General Assembly Oct. 30<sup>th</sup>. 1799.

Read and recommitted to the same committee, for farther examination, to report by bill or otherwise.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

The said bill, and the proceedings of the house thereon, being read, Resolved, That the Governor and Council do concur therein.

A petition from Samuel Stearns, praying for a lottery to assist in publishing a treatise on surgery &c. was sent up from the house of Representatives, with the following entry made thereon :

"In General Assembly Oct. 30, 1799.

Read and referred to Dr. Witherell, Dr. Porter, Dr. Perkins, Dr. Flaggs and Dr. Eaton, to join a Committee from Council to state facts &c.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk*."

Which was read, and Resolved, That Dr. Marvin and Dr. Todd be a committee to join.

The bill Entitled "An act directing the organization of the County of Orleans," was again read and considered. Resolved, That the Governor and Council do concur in passing the same, with certain proposals of amendment annexed thereto. Ordered, That the Secretary acquaint the house with the same.

The resolutions, adopted yesterday, in joint Committee, in answer to the Virginia and Kentucky resolutions, having been adopted by the house of Representatives, were sent up to the Governor and Council for their revision and concurrence or proposals of amendment, and the same being read and considered: on the question to concur therein. the yeas and nays being required by Mr. Jacob were as follows: Yeas, Mes<sup>rs</sup> Brigham, Allis, Bridgman, Jacob, Knoulton, Marvin, Miller, Robinson, Spencer, Strong and Todd—so it passed unanimously in the affirmative—Mes<sup>rs</sup> Chamberlain and Safford being absent with leave.<sup>1</sup>

The Council adjourned until 9 O'Clock tomorrow morning.

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THURSDAY October 31<sup>st</sup> 1799, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, passed in the house of Representatives, Entitled "An act directing the laying out and making a County road, from the south line of Wheelock, in the County of Caledonia, to the south line of Stanstead, in Canada, and taxing sundry towns thro' which the same shall pass," was sent up for revision &c. and the same being read, Resolved, That the Governor and Council do concur in passing the said bill, with this amendment, that "Reuben Miles, of Sheffield," be added to the Committee. Ordered, That the Secretary inform the house of the same.

A bill, passed in the house of Representatives, Entitled "An act appointing a Collector to compleat the settlement of the land tax in Brunswick," was sent up for revision &c. & being read, Resolved, That the Governor and Council do concur in passing said bill, & ordered, That the Secretary acquaint the house with the same.

Mr. Jacob, from the Committee appointed to report amendments to the bill, sent up from the house, Entitled "An act for the purpose of settling disputes respecting landed property," reported as follows:

"In the 15<sup>th</sup> line erase the word 'improvements,' and in the 34<sup>th</sup> line erase the word 'improvements;' and in the 35<sup>th</sup> line erase the words 'and improvements;' in the 37<sup>th</sup> line erase the word 'improvements' and insert in its place the word 'Betterments;' in the 48<sup>th</sup> line erase the whole after the word 'That;' erase the whole of the 49 and 50<sup>th</sup> lines, and the whole of the 51<sup>st</sup> line except the word 'Judgment,' before which insert the words 'so often as.' In the line 52, after the word 'Demurree' insert 'or on any plea in abatement.' At the end of the bill, add the following: 'Provided also, and it is hereby further enacted, That this act shall operate and have effect from and after the passing hereof, but shall, in no way, be considered to extend to any betterments heretofore made on lands within this State, and in no other case shall the possessor or possessors be entitled to any of the benefits provided in this act, only when the owner or owners of lands, on which such betterments are made as aforesaid, shall neglect to bring his, her, or their action or actions, for the recovery of the same within three years from and after the commencement of the betterments on such lands as aforesaid.'

Which report was read and accepted. Ordered, That the said bill, with the report thereon, lie on the table for further consideration.

The following written message was received from the house of Representatives, viz.

"In General Assembly, Oct. 31<sup>st</sup> 1799.

The house have concurred in passing a bill Entitled "An act in addition to an act dividing the town of Windsor into two parishes," without amendment.

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<sup>1</sup> See *Appendix K*.

They have also concurred in the amendments proposed to a bill Entitled "An act directing the organization of the County of Orleans."

Attest SAM<sup>L</sup>. C. CRAFTS."

Adjourned until 2 O'clock.

2 O'CLOCK P. M.

A bill, passed in the house of representatives, Entitled "An act granting to Horatio Knight leave to raise by lottery the sum of one thousand dollars," was sent up for revision, &c. The said bill being read, Resolved, That the Governor and Council do concur in passing the same.

On motion of Mr. Marvin, Resolved, That Mr. Marvin and Mr. Spencer have leave of absence during the remainder of the Session.

The following bills, passed in the house of Representatives, were sent to the Governor and Council for revision and concurrence or proposals of amendment, viz. "An act reviving an act laying a land tax on the town of Morristown;" "An act directing the Treasurer of this State to pay to John Vance the sum of twenty three dollars;" "An act assessing a Tax of two cents per acre on the town of Hydes-Park;" "An act assessing a Tax of two cents per acre on the town of Richford;" "An act assessing a Tax of one cent per acre on the town of Stowe;" "An act assessing a Tax of two cents per acre on the town of Bakersfield;" "An act assessing a Tax of one cent per acre on the town of Hardwick;" and "An act appointing a new Collector of a land tax in Walden Gore." The said bills being severally read, Resolved, That the Governor and Council do concur in passing said Bills respectively, into Laws. Ordered, That the Secretary acquaint the house with the same.

A bill, passed in the house of Representatives, Entitled "An act granting the exclusive right of a right of ferriage to John S. Larreby, for the term of ten years," was sent up for revision &c. The said bill being read, Resolved, That it be referred to Mr. Jacob for amendment.

A bill, passed in the house of Representatives, Entitled "An act reviving an act laying a tax on Irasburgh, and making an alteration in the Committee of Superintendence," was sent up for revision &c. and the said bill being read, Resolved, That the Governor and Council do concur in passing the same, with this alteration, that in the 2<sup>d</sup> line of the 2<sup>d</sup> Section, after the words "Roger Enos," insert the words "of Colchester."

Resolved, That Mr. Robinson be appointed on the petition of Samuel Stearns, in the room of Doct. Marvin, who has obtained leave of absence.

A bill, passed in the house of Representatives, Entitled "An act assessing a tax of two cents per acre on the town of Bolton," was sent up for revision &c. and being read, Resolved, That the Governor and Council do concur in passing the same, with this amendment, That immediately after the words "John Fay" in the Seventh line, insert the words "of Burlington," and after the names of "Jabez Jones," and "Robert Canada," in the sixth and seventh lines of said Section, insert after each name, the words "of Bolton."

The following written message was received from the house of Representatives thro' their Clerk:

"In General Assembly, Oct. 31<sup>st</sup> 1799.

The house have concurred in the amendments proposed by the Council to a bill Entitled "An act directing the laying out and surveying a County Road from the south line of Wheelock, in the County of Caledonia, to the South line of Stanstead, in Canada."

Attest SAM<sup>L</sup>. C. CRAFTS, *Clk.*"

The following resolution was sent up from the house of Representatives:

"In General Assembly, Oct 31<sup>st</sup> 1799.

Resolved, the Governor and Council concurring therein, that his Excellency the Governor and the Council meet the house of Representatives, in the representatives' room, at the opening of the house tomorrow morning, for the purpose of electing the County officers for the County of Orleans for the year ensuing.

Extract from the Journals. Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk.*"

The said resolution being read, Resolved, That the Governor and Council do concur therein.

The Council adjourned untill 9 O'clock Tomorrow Morning.

FRIDAY November 1<sup>st</sup> 1799—9 O'clock A. M.

The Council met pursuant to adjournment—and repaired to the Representatives' Room and met that body in joint Committee, for the purpose of electing the County officers for the County of Orleans agreeably to the concurrent resolution of both houses, and having appointed a Committee to make out a nomination of said officers, the joint committee was adjourned untill the opening of the house tomorrow morning, and the Governor and Council returned to their Chamber.

A bill, passed in the house of Representatives, Entitled "An act to enable the inhabitants of Tinmouth to draw the waters of the furnace pond, in said Tinmouth, to their ancient and natural level, at certain seasons of the year," was sent up for revision, &c., and the said bill being read, Resolved, That the Governor and Council do concur in passing the same,

Certain documents, relative to Indian affairs, with a Message from his Excellency Governor Tichenor, on that subject, were sent up from the house of Representatives, with this order thereon:

"In General Assembly, Oct. 31<sup>st</sup> 1799.

The within communications were read, and referred to Mess<sup>rs</sup> Williams, G. Olin and Witherell, to join a Committee from Council, to take the same into consideration, and report to the house what further measures ought to be taken.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk.*"

The said Documents and message being read, Resolved, That Mess<sup>rs</sup> Brigham and Knoulton do join the aforesaid Committee.

The following bills, passed the house of Representatives, were sent up for revision &c.—"An act for establishing a Corporation by the name of the Windham Turnpike Company;" "An act appointing a Committee to lay out and survey a County Road from Windham, in the County of Windham, to Rutland, in the County of Rutland;" "An act incorporating certain persons into a Society by the name of the Hartford Library Society;" and "An act reviving an act laying a tax on the lands in the town of Johnson," which were severally read, and Resolved, To concur with the house in passing the same respectively.

Certain Resolutions from the State of Newhampshire, relative to an amendment in the Federal Constitution, were sent up from the house of Representatives with this entry minuted thereon:

"In General Assembly Oct. 31<sup>st</sup> 1799.

Read and referred to Mess<sup>rs</sup> Lyon, Hay and Williams, to join a Committee from Council, to take the same under consideration and report the same to the house.

Attest SAM<sup>L</sup>. C. CRAFTS, *Clerk.*"

The same being read, Resolved that M<sup>r</sup>. Brigham do join the aforesaid Committee.

A bill, passed in the house of Representatives, Entitled "An act for the purpose of discharging the town and the Selectmen of the town of

Arlington from the arrears due on a certain tax, which ought to have been collected in or about the year 1784," was sent up for revision &c. and the same being read, Resolved, That the said bill be referred to Mr. Todd for revision. Mr. Todd having reported a revision of said bill, and it being read as revised, Resolved, That the Governor and Council do concur in passing the same.

A bill, passed in the house of Representatives, Entitled "An act to enable the proprietors of Georgia to divide their lands into severalty," was sent up for revision, &c., and being read, Ordered, That it lie on the table for consideration.

A bill, passed in the house of representatives, Entitled "An act to repeal an act passed in October 1794, directing the uses of the rights of land in this State heretofore granted by the British Government as Glebes for the benefit of the Church of England as by their law established," was sent up for revision, &c. The said bill being read, Ordered, That it lie for consideration.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act for the relief of Thomas Leverett," was sent up for revision &c. and the same being read, Resolved, That the Governor and Council do concur in passing said bill.

A bill, passed in the house of Representatives, Entitled "An act staying all prosecutions and suits of a civil nature against Isaiah Parmeter, for the space of ten years," was sent up for revision, &c. and being read, Resolved, That the Governor and Council do concur in passing the same with this amendment, viz. That the words "for the space of ten years" be added at the end of said bill.

A bill, passed in the house of representatives, Entitled "An act granting a tax of three mills on the dollar on the polls and rateable estate of the Inhabitants of the County of Windham," was sent up for revision, &c. and being read, Resolved, That the Governor and Council do concur in passing the same.

A bill, passed in the house of Representatives, Entitled "An act directing the Treasurer to credit Isaiah Wing, Collector of the Cent land tax in Rochester, the sum therein mentioned," was sent up for revision, &c. and the said bill being read, Resolved, That the Governor and Council do concur in passing the same.

Resolved, That the house of Representatives be requested to lay before the Council the returns of the Grand list for the present year.

On motion, Mr. Brigham obtained leave to bring in a bill Entitled "An act restraining swine from going at large," which was read and considered, and then Resolved, That the said bill do pass, and that it be sent to the house of Representatives for their revision, &c.

A bill, passed in the house of Representatives, Entitled "An act in ad. to an act Ent<sup>d</sup> ['an act] to enable the proprietors and landowners of the town of Jericho to divide their lands into severalty," passed Nov. 7, 1798," was sent up for revision &c. and the said bill being read, Ordered, That it lie on the table.

A bill, passed in the house of representatives, Entitled "An act directing the Treasurer of this State to pay to the proprietors of Salem the sum therein mentioned," was sent up for revision &c. and the same being read, Resolved, That the Governor and Council do concur in passing said bill, with certain proposals of amendments.

Mr. Elnathan Keyes, member of the house of Representatives, agreeably to the request of Council, laid before the Governor and Council the General list of the present year, the aggregate being \$2,017,276.<sup>37</sup>/<sub>100</sub>.



A bill, passed in the house of Representatives, Entitled "An act assessing a Tax of one cent on the dollar on the list of one thousand seven hundred and ninety nine," was sent up for revision &c. and the same being read, Resolved, That the Governor and Council do concur in passing s<sup>d</sup> bill.

The following written message was received from the house:

"In General Assembly Nov. 1, 1799.

The house have concurred in the amendments proposed by Council to the following bills to wit. "An act reviving an act laying a tax of three cents on the town of Irasburgh;" "An act assessing a tax of two Cents per acre on the town of Bolton;" and "An act stopping all prosecutions of a civil nature against Isaiah Parmeter for ten years."

Attest SAM<sup>L</sup>. C. CRAFTS, Clerk."

The Council adjourned untill 9 O'clock tomorrow morning.

SATURDAY, November 2<sup>nd</sup>. 1799, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, passed in the house of Representatives, Entitled "an act assessing a tax of one cent per acre on the town of Mansfield," was sent up for revision &c. and the said bill being read, Resolved, That the Governor and Council do concur in passing the same, with these amendments, viz., that after the names of "Ebenezer Wakefield and David Moody" in the 7<sup>th</sup> line, add the words "of Stowe," and after the name "Isaac Chamberlin" in the 8<sup>th</sup> line, add the words "of Richmond," and after the name "Joshua Chamberlin" in the 12<sup>th</sup> line, add the words "of Richmond." Ordered, That the Secretary acquaint the house with the same.

The bill, Entitled "An act for the purpose of settling disputes respecting landed property," which has passed the house, and to which amendments have been reported by the Committee from Council [appointed] for that purpose, and accepted, being again read with the amendments, Resolved, That the Governor and Council do concur in passing the same, with said proposals of amendment, and Ordered, That Mr. Jacob do carry down said bill and state to the house the reasons for such amendments.

Mr. Jacob moved for permission to bring in a bill Entitled "An act directing the Secretary of State to record the Commissions or Warrants given by the late Court of Confiscation in this State to Ebenezer Curtiss and Thomas Chandler Jun<sup>r</sup>. as Commissioners of sales of Confiscated Estates." Ordered, That he have leave, and the said bill being read, Resolved, That the same do pass, and that it be sent to the house for their revision &c.

A bill, passed in the house of Representatives, Entitled "An act directing the publishing of advertisements in the newspapers therein mentioned," was sent up for revision &c. and being read, Resolved, That it be referred to Mess<sup>rs</sup> Todd and Jacob for amendment.

The following bills, passed in the house of Representatives, were sent to the Governor and Council for revision and concurrence or proposals of amendment, viz. "An act directing the Treasurer of this State to call on the Sheriffs of the several counties to account with him for the Volumes of Revised laws which they have received for sale;" "An act directing the Treasurer of this State to credit the town of Westminster the sum therein mentioned;" "An act directing the Treasurer of this State to credit the town of Burlington, in the County of Chittenden, the sum therein mentioned;" "An act incorporating certain persons therein

named by the name of the Green Mountain Turnpike Company;" "An act to enable the proprietors of Pawlet to complete their sixth Division of land by pitching;" and "An act for assessing a land tax on Bridge-water in the County of Windsor." The above bills being severally read and considered, Resolved, To concur with the house in passing them into laws. Ordered, That the Secretary acquaint the house with the same.

The bill Entitled "An act to repeal an act passed in Oct<sup>r</sup>. 1794 directing the use of the rights of land in this State, heretofore granted by the British Government, as Glebes for the benefit of the Church of England as by their law established," was again read and Resolved, That the same do pass with this amendment, viz. "That so far as it may be considered as operating to the injury of any tenant in the actual possession and improvement of any such right, under the authority of the Episcopal Church."<sup>1</sup>

The Council Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act for the relief of the town of Springfield as therein mentioned," was sent up for revision &c. and the same being read, Ordered, That it lie untill Monday morning next.

The following resolution was sent up from the house of Representatives, viz.

"In General Assembly Nov. 2, 1799.

On motion, Resolved, That M<sup>r</sup>. Williams be appointed to wait on the Governor and Council and request them to inform the house what time it will probably take them to finish the business before them, in order to determine the time when the legislature will rise.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

The same being read, Resolved, That M<sup>r</sup>. Jacob be requested to wait on the house and acquaint them that the business before the Council will not justify the Legislature's rising before Tuesday next.

The following written message was received from the house:

"In General Assembly Nov. 2, 1799.

The house have concurred in a bill Entitled "An act to prevent swine running at large;" also in the amendments proposed to a bill Entitled "An act assessing a land tax on the town of Mansfield;" also in passing a bill Entitled "An act directing the Secretary to record certain commissions" &c.

Attest SAM<sup>l</sup>. C. CRAFTS, Clerk."

A bill, passed in the house of Representatives, Entitled "An act to enable the proprietors of the township of Georgia to divide the lands in said town into severalty," was sent up for revision &c. and the same being read, Resolved, To concur with the house in passing the said bill into a law with certain proposals of amendment made thereto.

M<sup>r</sup>. Todd moved for permission to introduce a bill, Entitled "An act in addition to an act Entitled 'An act dividing the State into districts for electing Representatives to the Congress of the United States and directing the mode of their election.'" Ordered, That he have leave, and the said bill being read, Resolved, That the same do pass, and Ordered, That it be engrossed and sent to the house, for their revision &c.

The bill Entitled "An act in addition to an act Entitled 'an act to enable the proprietors and landowners of the town of Jericho to divide their lands into severalty,' passed Nov. 7, 1798," was again read, and

<sup>1</sup> This amendment is incomplete, and was not concurred in by the House.

then Resolved, That the Governor and Council do concur in passing the same, with a proposal of amendment accompanying the same.

A bill, passed in the house of Representatives, Entitled "An act empowering Ruth Stearns, Administratrix of the Estate of Reuben Stearns, late of Shrewsbury, in the County of Rutland, deceased, to deed a certain lot of land," was sent up for revision, &c. and the same being read, Resolved, That the Governor and Council do concur in passing the same.

Resolved, That M<sup>r</sup>. Miller be appointed a Committee to receive the proportion of Election Sermons—and proclamations of Thanksgiving, belonging to the Council.

The Council adjourned to 10 O'clock Monday morning.

MONDAY, November 4<sup>th</sup>. 1799, 10 O'clock A. M.

The Council met pursuant to adjournment.

M<sup>r</sup>. Witherell, member of the house of Representatives, appeared in Council and returned a Bill Entitled "An act for the purpose of settling disputes respecting landed property," which was sent down with amendments for concurrence on the 2<sup>nd</sup>. Inst. with this entry made thereon:

"In General Assembly Nov 2<sup>d</sup>. 1799.

The amendments proposed to the bill Entitled "An act for the purpose of settling disputes respecting landed property," were read, the 1<sup>st</sup>. 2<sup>d</sup>. & 3<sup>d</sup>. amendments were concurred, the last being read, Resolved, that the house do not concur in the said amendment, and that M<sup>r</sup>. Witherell wait on the Governor and Council to return the bill and state the reasons of the nonconcurrence as aforesaid.

Attest

SAM<sup>L</sup>. C. CRAFTS, *Clk.*"

And after stating the reasons for such nonconcurrence, M<sup>r</sup>. Witherell withdrew.

The Council then took the same under consideration, and after some time spent therein, Resolved, That the further consideration thereof be postponed untill tomorrow morning.

A bill, passed in the house of Representatives, Entitled "An act declaring the widows of testators entitled to dower," was sent up for revision &c. and being read Resolved, That it be referred to a Committee of three for consideration to report amendments if they think proper. Members Chosen, Mess<sup>rs</sup>. Knoulton, Strong and Jacob. The aforesaid Committee reported that the said bill ought to pass. Whereupon, it being again read, Resolved, That the Governor and Council do concur in passing the same.

A bill, passed in the house of Representatives, Entitled "An act for the purpose of establishing a County Grammar School at S<sup>t</sup>. Albans, in the County of Franklin," was sent up for revision &c. and being read, Resolved, That the Governor and Council do concur in passing the same, with this proposal of amendment, to wit, That the whole of the Fourth Section be erased. Ordered, That M<sup>r</sup>. Todd be requested to wait on the house, with the said bill, and state the reasons of such amendment.

M<sup>r</sup>. Chipman, member of the house of Representatives, returned a bill Entitled "An act to repeal an act passed in Oct<sup>r</sup>. 1794, directing the uses of the Rights of land in this State heretofore granted by the British Government as Glebes for the benefit of the Church of England as by their law established," which was sent down on the second instant, concurred with an amendment, with this entry made thereon:

"In General Assembly Nov. 2, 1799.

The amendments proposed to this bill were read. On motion, Resolved, That the house do not concur in the said amendments, and that Mr. Chipman be requested to return this bill to the Council, and state the reasons of the nonconcurrence as aforesaid.

Attest SAM<sup>L</sup>. C. CRAFTS, Clerk."

And after stating the reasons for the same, Mr. Chipman withdrew. The same being read and considered, Resolved, That the Governor and Council do rescind from their proposals of amendment, and that the said Bill be referred to Mr. Knoulton and Brigham for further amendment.

Mr. Miller, who was appointed a Committee to receive the proportion of the Election Sermons, and Proclamations for a Thanksgiving, belonging to the Council, reported verbally that he could not learn anything further respecting them than that a Committee had been appointed by the house of Representatives to apportion them.

The following written message was received from the house of Representative thro' their Clerk, viz.

"In General Assembly Nov. 2, 1799.

The house have concurred in the amendments proposed to the bill Entitled "An act laying a tax on the town of Mansfield." They have concurred in passing "An act directing the Secretary to record certain commissions;" also "An act in addition to an act to enable the proprietors and landowners of Jericho to divide their lands into severalty."

Attest SAM<sup>L</sup>. C. CRAFTS, Clerk."

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, viz. "An [act] authorizing the proprietors and landowners of Williston to confirm and compleat the divisions or pitches of their lands;" "An act to establish for the time being the jurisdictional lines of the towns therein mentioned;" "An act assessing a tax of one Cent per acre on the town of Middlesex, in the County of Chittenden;" "An act empowering the Inhabitants of the Towns of Hubbardton and Sudbury, in the County of Rutland, to draw the waters in certain Mill-ponds raised in Hubbardton and Sudbury to their ancient and natural level at certain seasons of the year;" "An act to empower the proprietors of the Township of Lutterloch [Albany,] in the County of Orleans, to establish the survey of said town [and] to proceed to a division of said town into severalty, agreeably to any existing written agreements between the proprietors;" "An act assessing a tax of one cent per acre on the town of Duncansboro' [Newport,]" "An act to empower Josiah Hubbard to sell the real estate of Judah Swift, late of Thetford, in the County of Orange and State of Vermont, deceased;" "An act authorizing Francis Davis, Administrator to the estate of Roger Kinsley, to sell certain lands therein mentioned;" "An act assessing a tax of three cents on each acre of land in that part of the town of Goshen which lies in the County of Addison;" and "An act assessing a Tax of one cent on each acre of land in the town of Medway [Mendon,] in the County of Rutland." The said bills being severally read and considered, Resolved, That the Governor and Council do concur in passing the same respectively, and Ordered, That the Secretary acquaint the house therewith.

A bill, passed in the house of Representatives, Entitled "An act granting the exclusive right of a ferriage to John S. Larraby for the term of ten years," was sent up for revision, &c. and being read, Resolved, That the Governor and Council do concur in passing said bill, with the amendments accompanying the same, and that Mr. Jacob be

requested to carry said bill to the house, and acquaint that body with the reasons for proposing the said amendments.

A bill, passed in the house of Representatives, Entitled "An act to enable Allen Hayes and Abner Forbes to sell and convey all the real estate of Lewis R. Morris West, a minor," was sent up for revision, &c. and being read, Resolved, To concur in passing the same, with this amendment, that the word "two" be erased before the word "thousand," in the eleventh line of the 2<sup>d</sup>. Section, and insert in lieu thereof the word "three;" and Mr. Jacob requested to inform the house of the reasons for the same.

On motion, Resolved, That Mr. Miller be appointed a Committee to make out and receive the Debenture of Council.

On motion, Resolved, That Mr. Allis be a Committee to join such members as the house of Representatives may appoint to receive and distribute the Election Sermons, and the Proclamations for a Thanksgiving.

The following bills, passed in the house of Representative, were sent up for revision &c. viz. "An act to revive an act Entitled 'An act assessing a tax of two cents per acre on the town of Plainfield, late St. Andrew's Gore, for the purpose therein mentioned,'" "An act empowering Zebulon Spaulding and Martha Davis, Administrators to the Estate of David Davis, late of Hubbardton, deceased, to convey certain lands therein mentioned;" "An act assessing a land tax on the township of Winhall in the County of Bennington;" "An act directing the Treasurer of this State to credit the town of Bethel the sum therein mentioned;" and "An act empowering the Committee appointed on a land tax in the town of Stowe to publish new advertisements." The said bills being severally read and considered, Resolved, To concur with the house in passing the same respectively.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

Mr. Chipman, member of the house of Representatives, appeared in the Council Chamber and stated that he was requested to acquaint the Governor and Council that there was no business pending before the house.

Mr. Witherell, member of the house, returned the resolution passed in Council this morning, relative to the distribution of the Election Sermons and Proclamations for a Thanksgiving, with this order of that body thereon, viz.

"In General Assembly, Nov<sup>r</sup>. 4, 1779.

Resolved, That the house do not concur in the said resolution, and that Mr. Witherell wait upon the Governor and Council and inform them of the reasons of their nonconcurrence.

Attest,

SAM<sup>L</sup>. C. CRAFTS, Clerk."

Mr. Witherell stated that the house had anticipated the business contemplated by said resolution, and a distribution of the Sermons and Proclamations had been made accordingly, and then he withdrew.

A bill passed in the house of Representatives, Entitled "An act directing the Treasurer of this State to pay to the Proprietors of Salem the sum therein mentioned," was sent up for revision &c. and the same being read, Resolved, To concur in the passing of the same, with this proposal of amendment, viz. That after the word "repay," in the 3<sup>d</sup> line of the 1<sup>st</sup> Section, erase the whole of the residue of the said bill and insert these words, to wit, "unto the original proprietors of said Salem, their Heirs, Executors, Administrators or certain Agent or Attornies, his, her, or their proportions of the said sum of 536 <sup>66</sup>/<sub>100</sub> dollars after the first day of August next, taking his or her receipt or discharge for the

same," and Mr. Jacob was appointed to inform the house of the reasons of Council in proposing the said amendment.

The Council resumed the consideration of the bill Entitled "An act directing the publishing of advertisements in the Newspapers therein mentioned," & Resolved, To concur in passing the same, with the proposal of amendment accompanying the same.

The bill Entitled "An act to repeal an act passed in Oct. 1794, directing the uses of the rights of land in this State heretofore granted by the British Government as Glebes for the benefit of the Church of England as by their Law established," was again read and considered, & Resolved, That the accompanying proposal of amendment be proposed to be added to the bill, in lieu of the former one to which the house had noncon-  
curred.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, viz. "An act to pay His Excellency the Governor of this State the sum therein mentioned;" "An act granting to Ezra Butler, Jabez Jones, George Kennan and their Associates, the exclusive privilege of building a toll Bridge over Onion River against Waterbury;" "An act in addition to 'an act relating to Goals and Goalers, and for the relief of persons imprisoned therein;" "An act directing the Treasurer of this State to pay to William Rice, eight Dollars and Twenty Cents;" "An act directing the Treasurer of this State to pay the sum of money hereinafter mentioned;" "An act reviving an act assessing a tax of two cents per acre on the town of Braintree;" and "An act for the relief of the town of Springfield, as therein mentioned." The said bills being severally read and considered, Resolved, To concur in passing the same respectively, and ordered, That the Secretary inform the house there-  
with.

The Council adjourned untill 9 O'clock tomorrow morn.

#### TUESDAY, November 5<sup>th</sup> 1799, 9 O'clock A. M.

Council met pursuant to adjournment.

On motion of Mr. Todd, Resolved, that all and singular the votes, resolutions and proceedings on the bill sent up from the house of representatives, on the 2<sup>nd</sup>. Inst. Entitled "An act directing the publishing of advertisements in the newspapers therein mentioned," done or had thereon yesterday, be and hereby is and are reconsidered. Ordered, That the said bill be referred to Mr. Todd for amendment. Mr. Todd reported sundry amendments, which were read and accepted, whereupon Resolved, To concur in passing said bill with the said proposals of amendment, and Mr. Todd was appointed to inform the house of the reasons of Council in proposing them.

Resolved, the house of Representatives concurring therein, that Mr. Brigham and Mr. Jacob be a Committee on the part of Council to join such Committee as may be appointed on the part of the house of Representatives, as a Committee of conference on a bill now pending before Council, Entitled "An act for the purpose of settling disputes respecting landed property," and to confer on some mode of adjusting the difference of sentiment in the two houses thereon. Ordered, That the Secretary carry the said resolution to the house, which was directly returned with this order thereon :

"In General Assembly, Nov. 5 1799.

Resolved, That Mr. G. Olin, Mr. Butler, Mr. Harrington, Mr. Shumway and Mr. Porter do join the aforesaid Committee.

Attest,

SAM<sup>L</sup>. C. CRAFTS, Clerk."

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, viz. "An act establishing a Corporation by the name of the Windsor and Woodstock Turnpike Company;" "An act for the relief of Zadock Hard and others;" "An act suspending civil process against Eli Coggswell;" and "An act to prevent the hawking and vending of Feathers, except in the manner therein directed," and the same being severally read and considered, Resolved, To concur in passing the said bills respectively.

The following written messages were received from the house:

"In General Assembly, Nov. 4<sup>th</sup> 1799.

The house have concurred in the amendments proposed to the bill Entitled "An act establishing a County Grammar School at St Albans, in the County of Franklin." Nov. 5, 1799, also concurred in the amendments proposed to the act relative to the Glebe lands in this State.

Attest SAM<sup>L</sup>. C. CRAFTS, Clerk."

"In General Assembly Nov. 5, 1799.

The bill entitled "An act in addition to an act directing the mode of publishing advertisements," returned from Council by Mr. Todd with proposals of amendment, which were read and Concurred.

Attest, SAM<sup>L</sup>. C. CRAFTS, Clk."

Mr. Chipman, member of the house of Representatives, appeared in Council and returned a bill Entitled "An act directing the Treasurer of this State to pay the proprietors of Salem the sum therein mentioned," to which amendments had been proposed by the Council, with this entry thereon, viz.

"In General Assembly Nov. 4, 1799.

The foregoing amendments were read—Resolved, that the house do not concur in the said amendments, and that Mr. Chipman be requested to return said bill and amendments to the Governor and Council, and state the reasons of the nonconcurrence of the house.

Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

And after stating the reasons of the house, Mr. Chipman withdrew. The said bill and amendments being further considered, Resolved, That the Governor and Council do rescind from their former amendments, and concur in passing the said bill. Ordered, That the Secretary acquaint the house therewith.

A bill, passed in the house of Representatives, Entitled "An act regulating Collectors of land taxes in this State," was sent up for revision, &c. and being read and considered, Resolved, To concur with the house in passing the same, with the revision of the Title, so that it will read, "An act directing the Collectors of land taxes in their office and duty."

Mr. Stanton, from the house, returned the bill Entitled "An act dividing the State into districts for electing Representatives to the Congress of the United States, and directing the mode of their election," which originated and passed in Council, with this proposal of amendment annexed to the same: in the 9<sup>th</sup> line from the top, after "Western district," insert "for the purpose of electing a Representative to Congress;" and after stating the reasons of the house in proposing the said amendment, and requesting the concurrence of Council therein, he withdrew. The said amendment being read and considered, Resolved, That the Governor and Council do concur therein.

The following resolution, passed in the house of Representatives, was sent up for revision, &c. viz.

"STATE OF VERMONT, In General Assembly, Nov. 5<sup>th</sup> 1799.

Resolved, That the Senators and Representatives of this State, in the Congress of the United States, be and they are hereby requested to use their best endeavors that Congress propose to the Legislatures of the

several States the following amendment to the Constitution of the United States, viz.

"That the Electors of President and Vice President, in giving their Votes, shall, respectively, distinguish the person whom they desire to be President, from the person whom they desire to be Vice-President, by annexing the words "President," or "Vice-President," as the case may require, to the proper name voted for. And the person having the greatest number of votes for Vice-President, if such number be a majority of the whole number of Electors chosen, shall be Vice-President: and if there be no choice, and if two or more persons shall have the highest number of votes, and those equal, the Senate shall immediately choose, by ballot, one of them for Vice President, and if no person shall have a majority, then from the five highest on the list the Senate shall, in like manner, choose the Vice President. The Votes shall be taken by States, the Senators from each State having one vote. A quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And in case the Senators and Representatives of this State in Congress shall find that the aforesaid amendment is not conformable to the sentiments of a constitutional majority of both Branches of the national legislature, they are hereby requested so to modify the same as to meet the sentiments of such majority—Provided, however, that any amendment which may be agreed on, shall oblige the Electors to designate the person they desire to be President from the one they desire may be Vice-President.

"Resolved, That his Excellency the Governor be requested forthwith to transmit the same to the Senators and Representatives of this State in Congress, and also to transmit the same to the supreme Executive of the several States."

Attest      SAM'L. C. CRAFTS, Clerk."

The same being read and considered, on the question, will the Governor and Council concur with the house in adopting the said resolution? It passed in the affirmative.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

Mr. Brigham from the Committee of conference appointed this morning by the concurrent resolution of both houses, reported as follows:

"To the hon'ble both houses of the legislature now sitting: Your Committee, to whom was referred the consideration of the bill, expressed in the within resolution, report, That they have had a conference but cannot agree upon any proposals whatever respecting said bill.

PAUL BRIGHAM for s<sup>d</sup>. Com<sup>a</sup>."

The Council resumed the consideration of the bill, brought from the house of Representatives this morning, Entitled "An act for the purpose of settling disputes respecting landed property." On motion, Resolved, To rescind from the former fourth amendment, and to concur in passing said bill with the further proposal of amendment transmitted with the same to the house.

A bill, passed in the house of Representatives, Entitled "An act relating to the Stage Road, as laid out by the Committee for that purpose, thro' the Town of Hartland," was sent up for revision &c. and being read, Resolved, That the Governor and Council do concur in passing the same, with this proposal of amendment: after the four first words in the first Section, erase the residue of the bill and insert the sections accompanying the said bill in their stead.

His Honor the L<sup>t</sup>. Governor in the Chair.

The following Letter and communication was received from his Excellency the Governor. [Letter not entered on the journal]. The



said letter being read, and the matter therein considered, Resolved, That it is the advice of Council, That his Excellency make the arrangements in the militia agreeably to the manner prescribed in the foregoing letter.

His Excellency resumed the Chair.

A bill, passed in the house of Representatives, Entitled "An act making appropriations for the support of government for the present Session, and from thence to the session of the General Assembly in Oct. 1800, and for other purposes," was sent up for revision &c. and being read, Resolved, To concur therein with certain proposals of amendment, and Mr. Todd appointed to acquaint the house with the reasons of Council in proposing the same.

Mr. Blake, member of the house, returned the appropriation bill with this order of that body on the same, viz.

"In General Assembly, Nov. 5<sup>th</sup> 1799.

The within amendments, so far as it respects the extra Session of Council, concurred, and the remainder nonconcurred, and Mr. Blake appointed to return the same to Council and state the reasons.

Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

The said bill and amendments being again read and considered, Resolved, To rescind from the proposed amendments nonconcurred by the house, and to concur in passing said bill. Mr. Todd appointed to acquaint the house with the same.

Mr. Miller reported the Debenture of Council which was read and accepted as follows, viz.

	Travel.	Attendance.	Amount.
His Honor Paul Brigham L <sup>t</sup> Governor	20	27	\$110.40
The hon <sup>ble</sup> Elisha Allis	50	19	34.50
" John Bridgman	55	11	23.10
" William Chamberlin	80	17	35.10
" Stephen Jacob	1	27	40.62
" Luke Knoulton	48	20	35.76
" Ebenezer Marvin	150	22	51.00
" Solomon Miller	100	26	51.00
" Elijah Robinson	10	27	41.70
" Samuel Safford	85	14	31.20
" John Strong	90	27	51.30
" Abel Spencer	40	22	37.80
" Timothy Todd	45	27	45.90
" Jonas Galusha	78	2	12.36
Richard Whitney Secretary	50	27	73.50
William Rice Esq <sup>r</sup> Sheriff of Windsor County	15	25	39.30
John C. Waller, Deputy Sheriff	30	2	6.60
John Brown Do. Do.	20	2	5.40
Daniel Heald Do. Do.	20	2	5.40

Whole Amount

\$731.94

Mr. Lyon, member of the house, appeared in Council and returned the bill Entitled "An act for the purpose of settling disputes respecting anded property," with the following entry made thereon, viz.

"In General Assembly Nov. 5, 1799.

Returned from Council, with proposals of amendment, which being read, the house nonconcurred and directed the same to be again sent to the Governor and Council by Mr. Lyon.

Attest, SAM<sup>L</sup>. C. CRAFTS, Clerk."

The said bill with the amendments being again read and considered—Resolved, [to suspend the passage of the bill until the next session of the General Assembly.]

On motion, Resolved, That his Excellency be and he hereby is advised to issue his proclamation for a day of humiliation, fasting and prayer throughout this State, on such day as shall be appointed by the President of the United States, if he shall think expedient; and if no day shall be appointed by the President, Then to issue his Proclamation on such day as his Excellency shall think proper.

A bill, passed in the house of Representatives, Entitled "An act in addition to an act entitled 'An act for the distribution of Laws, journals and other papers,'" was sent up for revision &c. and being read, Resolved, To concur in passing the same, with certain proposals of amendment transmitted with the same.

Mr. Davis, member of the house of Representatives, appeared in the Council Chamber and informed the Governor and Council that the house had concurred in the amendments proposed by the Governor and Council to the act for the distribution of Laws, Journals and other papers.

The Secretary of the Council failed to complete the record, and the remainder is supplied from the journal of the House :

IN COUNCIL, 5th Nov. 1799.

Resolved, the House of Representatives concurring therein, That the House of Representatives meet the Governor and Council in the representatives' room, immediately, for the purpose of adjourning without day. Ordered, That the Secretary transmit the same to the House.

Mr. Nelson, a member of the House, informed the Council of the concurrence of the House in the foregoing resolution; whereupon, his excellency the Governor and Council repaired to the House, and after prayer by the chaplain, the sheriff of Windsor County adjourned the legislature without day.

# TWENTY-FOURTH COUNCIL.

OCTOBER 1800 TO OCTOBER 1801.

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ISAAC TICHENOR, Bennington, *Governor*.

PAUL BRIGHAM, Norwich, *Lieut. Governor*.

## *Councillors:*

SAMUEL SAFFORD, Bennington,

JOHN STRONG, Addison,

LUKE KNOULTON, Newfane,<sup>1</sup>

EBENEZER MARVIN, Franklin,

ELIJAH ROBINSON, Weathersfield,

WM. CHAMBERLAIN, Peacham,

JONAS GALUSHA, Shaftsbury,

STEPHEN JACOB, Windsor,

TIMOTHY TODD, Arlington,

ABEL SPENCER, Rutland,<sup>2</sup>

BENJAMIN BURT, Westminster,<sup>3</sup>

SOLOMON MILLER, Williston,

ELISHA ALLIS, Brookfield.

RICHARD WHITNEY, Guilford, *Secretary*.

JOHN CHIPMAN, Middlebury, *Sheriff*.

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<sup>1</sup> Resigned, Oct. 21 1800.

<sup>2</sup> Mr. Spencer probably removed from Clarendon to Rutland previous to his election as Councillor in 1800.

<sup>3</sup> Elected Oct. 21 1800, in place of Mr. Knoulton resigned.

## RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY AT MIDDLEBURY,  
OCT. 1800.

STATE OF VERMONT, ss.

Journal of the proceedings of the Governor and Council of the State of Vermont, at their Session begun and holden at Middlebury, within and for said State, on the second Thursday of October, being the ninth day of said month, in the year of our Lord one thousand eight hundred, pursuant to the Constitution and Resolves of said State.

On which day appeared His Excellency Isaac Tichenor, Esquire, Governor; His Honor Paul Brigham, Esquire, L<sup>t</sup> Governor; Of the Council, The Hon<sup>ble</sup> Elisha Allis, John Bridgman, William Chamberlain, Stephen Jacob, Luke Knoulton, Ebenezer Marvin, Solomon Miller, Elijah Robinson, Samuel Safford and John Strong, Esquires. Richard Whitney *Secretary*. John Chipman Esquire *Sheriff of Addison County*.

Resolved, That a Committee of Five members be appointed to receive, sort, and count the votes for Governor, L<sup>t</sup> Governor, Treasurer, and Councillors for the year ensuing, to join such Committee as may be appointed by the house of Representatives, for that purpose. Members Chosen, Mr. Robinson, Mr. Knoulton, Mr. Chamberlain, Mr. Miller and Mr. Allis.

The aforesaid Committee, personally appearing before the Governor and Council, were severally and duly sworn to the faithful discharge of their trust. Ordered, That the Secretary acquaint the house therewith.

The Council adjourned to 4 o'clock P. M.

4 O'CLOCK P. M.

Mr. Hay, Member of the house of Representatives, appeared in Council and delivered the following message:—"May it please your Excellency, I am directed by the house of Representatives, to acquaint your Excellency and the hon<sup>ble</sup> Council that the Committee appointed by a concurrent resolution of both houses, to receive, sort and count the Votes for Governor, L<sup>t</sup> Governor, Treasurer and Councillors for the year ensuing, are now prepared to report, and therefore request the Governor and Council to meet the house of Representatives immediately, in the Representatives' room, to hear the same."—And he withdrew.

Whereupon, Resolved. That the Governor and Council do immediately proceed to the house of Representatives for that purpose.

The Governor and Council, accordingly, joined the house of Representatives, agreeably to the foregoing message and resolve thereon, when the following report was handed in by the Chairman of said Committee, viz.

"To the hon<sup>ble</sup> General Assembly, now sitting,—Your Committee, appointed to receive, sort and count the Votes for Governor, L<sup>t</sup> Governor, &c. report as follows: That His Excellency Isaac Tichenor is elected Governor—His Honor Paul Brigham, L<sup>t</sup> Governor—That no person has a

majority of Votes for Treasurer—That Samuel Safford, William Chamberlain, Ebenezer Marvin, John Strong, Stephen Jacob, Elijah Robinson, Solomon Miller, Luke Knoulton, Elisha Allis, Timothy Todd, Jonas Galusha and Abel Spencer Esquires are elected Councillors.

LUKE KNOULTON *Chairman.*

Middlebury Oct. 9, 1800.”

The said report being read, John Chipman Esquire, Sheriff of the County of Addison, by public proclamation, declared said officers severally and duly elected to their several offices, by the suffrages of the <sup>1</sup>Freemen.’

The Governor and Council returned to their Chamber, and adjourned untill 9 O'clock tomorrow morning.

FRIDAY, October 10<sup>th</sup>. 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

Mr. Galusha, elected a member of the Council, appeared in the Council Chamber and declaring his acceptance of the appointment of Councillor and taking the necessary oaths, was admitted to a seat.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

Mr. J. Robinson, member of the house, appeared in Council and delivered this message :

“May it please your Excellency, The house of Representatives have organized, are ready to proceed to business, and to hear any communications from the Executive”—and he withdrew.

Ordered, by his Excellency, That the Secretary acquaint the house of Representatives, that the Governor, accompanied by the Council, will immediately wait on the house, in the Representatives' room, and make his communication, or at such time as shall be agreeable to the House.

His Excellency, accompanied by the Council, then proceeded to the house of Representatives and delivered the following speech to both branches of the Legislature.—[For the speech, see *Appendix J.*]

The Governor and Council then returned to their Chamber and adjourned to 9 O'clock tomorrow morning.

SATURDAY October 11<sup>th</sup>. 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolution was sent up, from the house of Representatives, viz.

<sup>1</sup> From *Spencer's Vermont Journal* of Oct. 27 1800 :

AGGREGATE STATEMENT OF VOTES BY COUNTIES FOR GOVERNOR.

<i>Counties.</i>	<i>Isaac Tichenor.</i>	<i>Israel Smith.</i>	<i>Scattering.</i>
Bennington,	470	887	42
Windham.	1014	273	27
Rutland,	634	1010	81
Windsor,	955	215	16
Addison,	660	409	74
Orange,			
Chittenden,	734	280	44
Caledonia,	657	20	10
Franklin,	529	175	48
Orleans,	113	14	1
	<u>6444</u>	<u>3239</u>	<u>380</u>

"STATE OF VERMONT, In General Assembly, Oct<sup>r</sup> 10, 1800.

Resolved, That Mr. Robinson, Mr. S. R. Bradley, Mr. Witherell, Mr. Jacob Smith, Mr. Chipman, Mr. Niles, Mr. Hay, Mr. Beardsley, Mr. E. Sheldon and Mr. Crafts be appointed on the part of the house, jointly with such Committee as may be appointed on the part of the Council, to enquire whether any and what amendment ought to be made to an act entitled "An act regulating Goals and Goalers, and for the relief of persons imprisoned therein." Extract from the Journals.

Attest SAM<sup>l</sup>. C. CRAFTS, *Clerk pro tem.*"

Which resolution being read and considered, Resolved, That Mr. Jacob do join the aforesaid Committee.

A petition from the inhabitants of Northfield and towns adjacent, praying for a tax of two cents on each acre of land in said town, for the purpose of making and repairing roads, was sent up from the house of Representatives, with this order entered thereon:

"In General Assembly, Oct. 10, 1800.

Read and referred to Mess<sup>rs</sup>. Canfield, Hunt, Wells, Cleaveland, Slade, Jonathan Fisk, Stanton, Elkins, Pomeroy and Stanley, to be styled the first land Tax Committee, to state facts and make report.

Attest S. C. CRAFTS, *Clk pro tem.*"

The said petition and proceedings thereon being read, Resolved, That Mr. Galusha do join the afores<sup>d</sup>. Committee.

Petitions from the Selectmen of Fletcher, the inhabitants of Avery's Gore, and the inhabitants of Warren, praying for a tax on said towns and gore for the purpose of making and repairing roads and building bridges, were sent up from the house of Representatives with this order on each:

"In General Assembly, Oct. 10<sup>th</sup> & 11<sup>th</sup>. 1800.

Read and referred to the first land tax committee to state facts &c.

Attest SAM<sup>l</sup>. C. CRAFTS, *Clk pro tem.*"

The said petitions being severally read and considered, Resolved, That the same be referred accordingly.

The following resolution was received from the house, viz:

"In General Assembly, Oct. 11, 1800.

On motion, Resolved, that his Excellency the Governor and Council be requested to meet the house of Representatives, in the Representatives' room, in joint Committee, at eleven O'clock this forenoon, for the purpose of electing a Treasurer for the year ensuing. Extract from the Journals of the General Assembly.

Attest NATHAN OSGOOD *Clerk.*"

The aforesaid resolution being read, Resolved, That the Governor and Council do concur therein,

The Governor and Council immediately proceeded to the Representatives' room and met the house in joint Committee agreeably to the aforesaid concurrent resolution of both houses for the purpose of electing a Treasurer for the year ensuing.

On motion, Resolved, That his Excellency the Governor, and in his absence his Honor the Lt Governor, be Chairman whenever the two branches are in joint Committee; and the Secretary of State, and in his absence the Secretary of the Governor and Council, or Clerk of the house of Representatives, be Clerk of such Committee.

The Committee then proceeded to the business for which they had met, and the ballots being taken and examined, Benjamin Swan, Esquire, had a large majority of the Votes—When John Chipman, Esquire, Sheriff of the County of Addison, declared the said Benjamin Swan, Esquire, duly elected Treasurer within and for the State of Ver-

mont, for the year ensuing, by the joint ballot of the Council and General Assembly.

The Committee of both houses then dissolved, and the Governor and Council returned to their Chamber and Adjourned to 10 O'clock on Monday morning.

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**MONDAY, 13 October 1800, 10 O'clock A. M.**

The Council met pursuant to adjournment.

Benjamin Swan Esquire, Treasurer of the State of Vermont, having executed his bond agreeably to Law before entering on the duties of his office, personally appeared and took the oath of office prescribed by the Constitution, and also the Oath to support the Constitution of the United States, which were administered to him by his Excellency the Governor.

A Petition from the Trustees of Addison County Grammar School, praying that a College may be established at Middlebury and to grant a Charter of Incorporation to such Trustees as shall be appointed, giving the same rights and privileges as are exercised and enjoyed by the Corporations and Trustees of other Colleges and Universities, was sent up from the house of Representatives with this entry made thereon, viz.

“In General Assembly, Oct. 11, 1800.

Read and referred to Mess<sup>rs</sup> Robinson, S. R. Bradley, Witherell, Perry, Johnson, Jones, Dunbar, and Stanley, to join a Committee from Council, to report by bill or otherwise.

Attest **NATHAN OSGOOD Clk.”**

The said petition with the order of the house thereon being read, Resolved, That Mr Safford and Mr Jacob do join the aforesaid Committee.

On motion of Lt Gov. Brigham, Resolved, That the rules adopted by Council at their last session, on the sixteenth day of October 1799, be adopted for the regulation of Council the year ensuing.

Adjourned to 2 O'clock P. M.

**2 O'CLOCK P. M.**

The Council met pursuant to adjournment, and having no business before them, Adjourned untill 9 O'clock Tomorrow morning.

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**TUESDAY, October 14<sup>th</sup> 1800, 9 O'clock A. M.**

The Council met pursuant to adjournment.

His Excellency stated to the Council that, by the Journals of the Senate of the United States, which had been furnished him as Governor, one of the seats on the part of this State in the Senate of the United States will become vacant on the third day of March next.

Whereupon, on motion, Resolved, The house of Representatives concurring therein, that two O'clock this afternoon be agreed upon as the time for the Governor and Council and General Assembly to meet in their respective houses and each ballot for a Senator to supply the seat on the part of this State in the Senate of the United States, which will become vacant on the third day of March next—And that the two houses immediately thereafter convene in joint Committee in the Representatives' room, and proceed agreeably to law. Ordered, by the Governor, that the Secretary inform the house of Representatives of the communication made by him to the Council. Ordered, further, by the Governor and Council, that he carry down the aforesaid resolution to the house of Representatives & request their concurrence therein.

A bill, Entitled "An act for the purpose of erecting a work house in this State," referred from the last Session of the Legislature, was sent up from the house of Representatives with this order entered thereon:

"In General Assembly Oct. 13, 1800.

Read and referred to Mess<sup>rs</sup> Canfield, Cutler, Hammond, Perry, Thompson, Niles, Bottom, Cahoon, Barlow & Strong, to join a Committee from Council, state facts & make report.

Attest NATHAN OSGOOD *Clerk.*"

The said bill with the proceedings of the house thereon being read, Resolved, That Mr. Strong do join the aforesaid Committee.

The Petition of Joel Marsh, Elias Stevens and George Dana, praying that the Legislature will pass an act granting to them and their associates the exclusive privilege of making a Turnpike Road from the mouth, and on the northerly side of White River as near said River as may be, through Hartford, a corner of Pomfret and Sharon, to the mouth of the second branch in White River in Royalton, being about twenty one miles, under such regulations as shall be thought best, [was sent up from the house] with this order thereon:

"In General Assembly Oct. 13<sup>th</sup> 1800.

Read and referred to Mes<sup>rs</sup> Wright, Hammond, Allen, Jacob Smith, Thompson, Kingsbury, Lyon, Grow, E. Sheldon, and Hinman to join from Council, state facts, and report their opinion thereon.

Attest NATHAN OSGOOD *Clerk.*"

And being read with the proceedings of the house thereon, it was Resolved, That Mr. Brigham do join the aforesaid Committee.

A petition from the Inhabitants and landowners of Weston, praying for a tax of three Cents on each acre of land in said town, public lands excepted, for the purpose of making and repairing as well the County as the town roads leading thro' said town — and also a petition from the inhabitants & landowners of Chittenden, praying that an act may pass granting a tax of two cents on each [acre] of land in said town, public rights excepted, to repair roads and build bridges in said town, were sent up from the house of Representatives, with this order on each:

"In General Assembly, Oct. 11<sup>th</sup> 1800.

Read and referred to the land tax Committee to state facts &c.

Attest, NATHAN OSGOOD *Clerk.*"

And the same being read, with the proceedings of the house thereon, respectively, it was Resolved, to concur in the said reference.

A Petition from the Inhabitants and landowners of Andover, to pass an act granting a tax of two cents on each acre of land in said town, public lands excepted, for the purpose of repairing a certain road in said town, was sent up from the house of Representatives with this order on the same:

"In General Assembly, Oct. 11, 1800.

Read and referred to Mess<sup>rs</sup> G. Bradley, D. Jewett, Train, Russ, Hanks, Curtiss, El<sup>l</sup> Keyes, A. Bliss, Larraby & Chapin, to join a Committee from Council, to be styled the Second Land Tax Committee, to state facts &c.

Attest, NATHAN OSGOOD *Clerk.*"

The aforesaid petition and the proceedings of the house thereon being read, Resolved that Mr. Marvin do join the aforesaid Committee.

A Petition from the Inhabitants and Landowners of Mount-holly, praying that a tax of two cents on each acre of land in said township may be granted, except on public rights, to defray the expense of making a public road thro' said town as laid out agreeably to the direction of a certain act, passed at October Session 1799. A Petition from the proprietors and landowners of the township of Killington [Sherburne,] praying the Legislature to pass an act granting a tax of one cent



per acre on all the lands in said township, public rights excepted, for the purpose of making repairs on the roads in said Township; A petition from a number of the inhabitants of the town of Reedsboro', praying that the Legislature will grant a tax of two cents on the acre on all the lands in said township, public rights excepted, for the purpose of making and repairing roads and building bridges in said town; and a petition from the proprietors and landowners of the town of Fairfax, praying the Legislature to grant a tax of two cents on the acre on all the lands in said town, public rights excepted, for the purpose of making and repairing roads and building bridges, were sent up from the house of Representatives with this order on each:

"In General Assembly Oct. 13, 1800.

Read and referred to the Second land tax Committee.

Attest NATHAN OSGOOD *Clerk.*"

The aforesaid several petitions and the proceedings of the house on the same respectively being read, Resolved, That the Council do concur therein.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The Hon'ble Timothy Todd, and the Hon'ble Abel Spencer, Esquires, elected members of Council, appeared in the Council Chamber and declaring their acceptance of the appointment of Councillors and taking the necessary oaths, were admitted to their seats.

On motion of Mr. Jacob, Resolved, The General Assembly concurring therein, that the two houses meet in the Representatives' room, at the opening of the house tomorrow morning, in joint Committee, to choose Judges of the Supreme Court for the year ensuing. Ordered, That the Secretary carry the said resolution to the house.

The resolution which was sent to the house of Representatives in the morning, relative to the choice of a Senator in Congress, was returned with this order endorsed thereon, viz.

"In General Assembly, Oct. 14, 1800.

Read and resolved, that the house do not concur in the foregoing resolution.

Attest NATHAN OSGOOD, *Clerk.*"

The following resolution was sent up from the house :

"In General Assembly, Oct. 14, 1800.

Resolved, His Excellency the Governor and Council concurring therein, That nine o'clock on Friday morning next be agreed upon as the time for the Governor and Council and general Assembly to meet in their respective houses and each ballot for a Senator to represent this State in the Congress of the United States, to supply the seat on the part of this State in the Senate of the United States which will become vacant on the third day of March next, and that the two houses immediately thereafter convene in joint Committee in the representatives' room and proceed agreeably to Law. Extract from the Journals.

Attest NATHAN OSGOOD, *Clerk.*"

Which was read, and Ordered, That it lie on the table.

The Council adjourned untill 9 O'clock Tomorrow morning.

WEDNESDAY, October 15, 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

The resolution, sent to the house of Representatives yesterday, relative to the election of Judges of the Supreme Court of Judicature, was returned to the Council with this entry made thereon :

"In General Assembly Oct. 14, 1800.

Resolved, that this house do concur in the foregoing resolution.

Attest NATHAN OSGOOD, Clerk."

On motion, Resolved, That the Governor and Council do immediately proceed to the representatives' room for the purpose mentioned in the above resolution. Agreeably to the concurrent resolution of both houses, the Governor and Council and house of Representatives met, in the Representatives' room, in joint Committee, for the purpose of electing the Judges of the Supreme Court of Judicature for the year ensuing. His Excellency in the Chair—Roswell Hopkins Secretary of State, Clerk. The ballots being taken for the Chief Judge & examined, The hon'ble Enoch Woodbridge Esq<sup>r</sup> had a majority of all the votes. The ballots being taken for the first assistant Judge and examined, The hon'ble Lot Hall Esq<sup>r</sup> had a majority of all the votes. The ballots being taken for the Second Assistant Judge and examined, The hon'ble Noah Smith Esq<sup>r</sup> had a majority of all the votes—When John Chipman Esquire, Sheriff of Addison County, by proclamation, declared the aforesaid Gentlemen duly elected to their respective offices by the joint ballot of both houses. The Committee then dissolved and the Governor and Council returned to the Council Chamber.

Mr. Jacob called up the resolution, sent up from the house of Representatives, relative to the appointment of a Senator to represent this State in the Congress of the United States—and the same being read and considered, Resolved, That the Council do concur therein, with this amendment, that instead of the words "nine O'clock on Friday morning next," these be inserted in lieu thereof, "two O'clock this afternoon." Ordered, That the Secretary carry said Resolution to the house.

On motion of Mr. Robinson, who was in the affirmative of the preceeding resolve, Resolved, That the same be and hereby is reconsidered, and that the Governor and Council do concur with the house in the said resolution, and Ordered, That the Secretary acquaint the house therewith.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.

The following resolution was sent up from the house of Representatives:

"In General Assembly Oct. 15, 1800.

"Resolved, the Governor and Council concurring therein, that the members of both houses meet in County Conventions at 4 O'clock this afternoon, for the purpose of making nominations of the County officers of the respective Counties, and that both houses meet in grand Committee, at the opening of the house tomorrow morning, for the purpose of receiving such nominations and acting thereon. Extract from the Journals.

Attest NATHAN OSGOOD Clk."

The aforesaid resolution being read and considered, Resolved that the Governor and Council do not concur therein. Ordered, That Mr. Spencer do return said resolution to the house of Representatives and assign the reasons of such nonconcurrence.

Resolved, The house of Representatives concurring therein, that the house of Representatives meet the Governor and Council in joint Committee at three O'clock this afternoon, in the Representatives' room, for the purpose of appointing a time when the members of the several Counties will meet in Convention to make the nomination of the County officers in their respective Counties—and also, to agree on a time when to receive such nominations and make the County Elections for the year ensuing. Ordered, That the Secretary carry the same to the house.

The foregoing resolution was returned by an officer of the house with this order entered thereon:

“ In General Assembly Oct. 15, 1800.

Read and concurred in the foregoing resolution.

Attest NATHAN OSGOOD *Clk.*”

At three O'clock the Governor and Council proceeded to the Representatives' room and met that body in joint Committee for the purposes expressed in the foregoing resolution, and having completed the same, Governor and Council returned to their Chamber & Adjourned until 9 O'clock tomorrow morning.

THURSDAY, October 16<sup>th</sup> 1800, 9 O'clock A. M.

The Council met pursuant to adjournment, and pursuant to the concurrent resolution of both houses met the house of Representatives in joint Committee in the Representatives' room for the purpose of receiving the County nominations, and appointing the officers of the several Counties for the year ensuing, in which business the joint Committee were employed untill afternoon, when the Governor & Council returned to their Chamber and adjourned until 9 o'clock tomorrow morning.

FRIDAY, October 17<sup>th</sup> 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

Ordered, That the Secretary acquaint the house of Representatives that agreeably to the concurrent resolution of both houses, the Council, in their chamber, are ready instantly to proceed to ballot for a Senator to represent this State in the Congress of the United States.

Mr. Robinson, member of the house of Representatives, appeared in the Council Chamber and informed the Council that the house of Representatives will immediately proceed to the choice of a Senator to represent this State in the Congress of the United States—and he withdrew.

Whereupon—Resolved, That the Governor and Council do at this time ballot for a Senator agreeably to the said concurrent resolution of both houses, passed on the 15<sup>th</sup> Instant. The ballots being taken and examined, The hon'ble Elijah Paine Esquire had a majority of all the votes.

Mr. Lyon, member of the house of Representatives, appeared in Council and delivered the following message, viz.

“May it please your Excellency, I am directed to inform your Excellency and the hon'ble Council, that the house of Representatives have balloted for a Senator, agreeably to the concurrent resolution of both houses, and are now ready to convene in joint Committee and proceed according to Law”—and he withdrew.

Whereupon, Resolved, That the Governor and Council do immediately proceed to the Representatives' room for the above purpose. The Governor and Council having met the house of Representatives in their room in joint Committee,—His Excellency in the Chair—Roswell Hopkins, Sec<sup>y</sup> of State Clerk—When the above proceedings of the Governor and Council were read by their Secretary, and the following proceedings of the House of Representatives were read by their Clerk, viz:

“ In General Assembly, Oct. 17, 1800.

Agreeably to the order of the day, the Speaker called on the house to bring in their ballots for the person whom they would nominate as Senator to represent this State in the Congress of the United States [to supply the place] which will become vacant on the third day of March

next. The ballots being taken and examined, The hon'ble Elijah Paine, Esquire, had a majority of all the votes.

Attest **NATHAN OSGOOD Clerk."**

And it appearing that the hon'ble Elijah Paine Esq<sup>r</sup> had a majority of all the votes, in both branches of the Legislature, he was declared duly elected a Senator to represent this State in the Congress of the United States, and to supply the seat in the Senate of the United States on the part of this State which will become vacant on the third day of March next—and John Chipman Esq<sup>r</sup> Sheriff of Addison County made public proclamation of the same, in the presence of both houses, by direction of his Excellency the Governor. The Governor and Council then returned to their Chamber, and adjourned untill 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act transferring the monies, papers &c. from the late to the present Treasurer," was sent up for revision and concurrence or proposals of amendment, and being twice read, Resolved, To concur with the house in passing the same into a Law.

A petition from David Wing Jun<sup>r</sup> and Charles Buckley, agents for a number of the inhabitants of Montpelier and towns adjacent, praying that the Legislature would pass an act incorporating them into a body politic in the usual form, for the purpose of erecting and supporting an Academy at Montpelier at their own expense, was sent up from the house of Representatives with this entry made thereon :

"In General Assembly Nov. 17, 1800.

Read and referred to the Committee appointed on the petition of Gamaliel Painter and others, Trustees of Addison County Grammar School, to state facts &c.

Attest **NATHAN OSGOOD, Clerk."**

Which was read, with the proceedings of the house thereon, & Resolved, That the Council do concur in the said reference.

A petition from Charles Goodrich, Agent of the Proprietors of Pittsfield and Hancock, stating that they have before purchased of the Legislature a tract of land making now the towns of Hancock and Pittsfield, supposed at the time to contain thirty three thousand acres, and paid for the same at the rate of thirty Dollars per right, whereas the aforesaid tract in fact contained only nineteen thousand acres, and having no remedy, praying that the premises may be taken under consideration and relief granted, agreeably to justice and equity, was sent up from the house of Representatives with this order endorsed thereon :

"In General Assembly, Oct. 17, 1800.

Read and referred to Mess. Sheldon, Clark, Horton, Elias Keyes, M. Smith, Curtiss, El<sup>l</sup><sup>a</sup> Keyes, Royce & Hinman, to join a Committee from Council, to state facts &c.

Attest **NATHAN OSGOOD, Clerk."**

Which was read, and it was Resolved, That M<sup>r</sup>. Spencer and M<sup>r</sup>. Allis do join the aforesaid Committee.

A petition from the Inhabitants and Proprietors of Enosburgh, praying that the outlines of said town as run by the Surveyor General may be established, and that the Legislature will grant to the Proprietors all the land therein contained which has not been granted, under regulations, conditions &c., was sent up from the house of Representatives with this entry made thereon :

"In General Assembly Oct. 17, 1800.

Read and referred to Mess<sup>rs</sup>. Finney, Taylor, Hammond, Hawkins, Eno, Porter, B. Harrington, Joel Roberts, Brigham and Chapin to join & state facts &c.

Attest **NATHAN OSGOOD, Clerk."**

Which was read, and it was Resolved, That M<sup>r</sup>. Chamberlain do join the aforesaid Committee.

The Council adjourned untill 9 O'clock tomorrow morning.

SATURDAY, October 18<sup>th</sup> 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

Resolved, That the following articles be added to the rules of Council:

That no persons except Judges of the Supreme Court of Judicature, and of the District Court, Marshall of the District, Members of Congress, Treasurer of the State, the Auditors of Accounts against this State and in the Treasury department, and the Clergy, shall be admitted on the Floor of the Council Chamber during its sittings, unless introduced by a member or by some officer of Council.

That when any member of the house of Representatives shall appear at the door of the Council Chamber to deliver a message, such appearance shall be announced by the officer attending on Council; and all business shall cease while such message is delivering and untill such member shall withdraw.

Ordered, That the Engrossing Clerk copy said articles, and that they be posted on the door of the Council Chamber.

A bill, passed in the house of Representatives, Entitled an act establishing a division of the township of Lutterloch, was sent up for revision &c. and being read and considered, Resolved, To concur with the house in passing said bill, & Ordered that the Secretary inform the house of the same.

The following resolution was sent up from the house of Representatives:

"In General Assembly Oct. 18, 1800.

Resolved, that a Committee of three be appointed, to join a Committee from Council, to prepare and lay before the house a bill empowering the Guardians of Minors to sell the real estate of Minors in certain cases under the direction of the Judges of Probate of the several districts in which such property is situated. Members chosen — Mess<sup>rs</sup>. Witherell, El<sup>m</sup>. Keyes and Bottom. Extract from the Journals.

Attest, NATHAN OSGOOD *Clk.*"

Which resolution was read, and it was Resolved, That M<sup>r</sup>. Strong and M<sup>r</sup>. Robinson do join the aforesaid Committee.

Ordered, That the Secretary wait on the house of Representatives and enquire whether they propose sitting this afternoon — and if they should, that the Council wish to be informed; and if any resolutions or orders have past, appointing Committees in which a junction with Council is requested, that such resolutions and orders may be forwarded to the Council Chamber as soon as possible.

M<sup>r</sup>. El<sup>m</sup>. Keyes, member of the house of Representatives, appeared in the Council Chamber and delivered this message: "M<sup>r</sup>. Chairman, The house of Representatives have resolved not to sit this afternoon — and such resolutions and orders as have passed the house, appointing Committees in which a junction is requested from the Council, will be by the proper Officers immediately sent up" — and he withdrew.

The Petition of Silas Hathaway and others, praying for the establishment of a University at S<sup>t</sup>. Albans, with all the privileges of an University, was sent up from the house of Representatives with this order thereon:

"In General Assembly Oct. 17, 1800.

Read and referred to the Committee on the Petition from Middlebury

praying for a College &c. except the member from the County of Franklin, to join a Committee from Council, to state facts &c.

Attest NATHAN OSGOOD *Clerk.*"

And being read, Resolved To concur in the said reference.

Resolved, that Mr. Jacob have leave of Absence from Monday next until Thursday next.

The following resolution was sent up from the house of Representatives:

"In General Assembly Oct. 18, 1800.

Resolved, that his Excellency the Governor be requested to appoint the first Thursday in December next as a day of public Thanksgiving throughout this State. Extract from the Journals.

Attest, NATHAN OSGOOD. *Clerk.*"

Which was read and Ordered to lie on the table.

The petition of William Thorp of Ireland, a subject of his Brittannic Majesty, praying that he may hold certain lands and real estate to which he holds claim by virtue of a deed from his brother John Thorp, late of Charlotte, in the County of Chittenden, Merchant, deceased, was sent up from the house of Representatives with this order thereon :

"In General Assembly, Oct. 18, 1800.

Read and referred to Mess<sup>rs</sup>. Thompson, Gallup and Lyon, to join a Committee from Council, to state facts and make report.

Attest, NATHAN OSGOOD, *Clerk.*"

And being read, Resolved, That Mr. Robinson join the aforesaid Committee.

The petition of Jacob Bayley and Jesse Leavensworth, in behalf of themselves and their associates, by Asa King their Agent, praying that they may have liberty to resign the Charter of the township of Danville, and that his Excellency the Governor may be directed to issue to them a new Charter agreeably to the true intent and meaning of the original grant, and stating that the present Charter, from certain defects, cannot be admitted as evidence in the courts of law, was sent up from the house of Representatives with the following order entered thereon:

"In General Assembly Oct. 17, 1800.

Read and referred to Mess<sup>rs</sup>. Chipman, T. Harrington and White, to join a Committee from Council, state facts, &c.

Attest NATHAN OSGOOD, *Clerk.*"

Which petition and order of the house thereon being read, Resolved, That Mr. Galusha do join the aforesaid Committee.

A Petition from Elisha Ashley and Olive Rann, administrators on the Estate of Joseph Rann, praying for liberty to sell real estate, was sent up from the house of Representatives with this order thereon:

"In General Assembly Oct. 17, 1800.

Read and referred to the Committee appointed to draught a General Bill empowering Administrators to sell the real estate of minors, to state facts & make report. Attest NATHAN OSGOOD, *Clerk.*"

Which was read, and Resolved, To concur with the house in the said reference.

A Petition from Theophilus Woodward and others, praying for liberty to sell real estate, was sent up from the house of Representatives with an entry on the same similar to the preceeding one, and on which the Council made the same order.

A Petition from the inhabitants and proprietors of Glover, praying that a Law may be passed establishing the last survey made in said town as the allotment and division of s<sup>d</sup>. town, was sent up from the house of Representatives with this order thereon:

“In General Assembly Oct. 17, 1800.

Read and referred to Mess<sup>rs</sup> Stanley, Sargeant and Crafts, to join a Committee from Council, to state facts &c.

Attest NATHAN OSGOOD, Clerk.”

And the same being read, it was resolved, That M<sup>r</sup> Safford do join the aforesaid Committee.

A Petition from Anthony Pauling and others, praying that an addition may be made to the “Act to enforce the observation of the sabbath,” was sent up from the house of Representatives with this order thereon:

“In General Assembly, Oct. 18, 1800.

Read and referred to Mess<sup>rs</sup> Wood, Olin, Butler, Babcock, Chapin, Nelson, Fisk, Spooner, Hunt and G. Bradley to join a Committee from Council, to state facts &c. Attest NATHAN OSGOOD, Clerk.”

And the same being read, it was Resolved, That M<sup>r</sup> Knoulton do join the aforesaid Committee.

A petition from Knight Sprague, stating that he is totally blind, and praying the legislature to grant him relief by lottery, or in some other way, was sent up from the house of Representatives with this order thereon:

“In General Assembly Oct. 17, 1800.

Read and referred to Mess<sup>rs</sup> Jewett, Kingsbury, and Bump to join a Committee from Council, to state facts and make report.

Attest NATHAN OSGOOD, Clerk.”

And, the same being read it was Resolved, That M<sup>r</sup> Marvin do join the aforesaid Committee.

A petition from a number of Subscribers, praying for liberty to make a turnpike road from the north line of Massachusetts thro’ Bennington, Manchester, Rutland, Middlebury, Burlington and St Albans to the north line of Hingham in this State, was sent up from the house of Representatives with this order thereon:

“In General Assembly Oct. 17, 1800.

Read and referred to the Committee appointed on the Petition praying for a turnpike road on White river, to state facts &c.

Attest NATHAN OSGOOD, Clerk.”

And the same being read, Resolved, to concur with the house in said reference.

A petition from Charles Marsh and Levi Mower praying that they and their associates may be allowed the privilege of making a turnpike road from Woodstock Court house to Rockton Meeting house, under such regulations and restrictions as the General Assembly may think proper, with an entry on the same similar to the one on the last preceding petition, and on which the Council made the same order.

A petition from the promoters and landowners of Bennington, and Ruel’s and Aver’s Gore, praying for a tax of two cents per acre on all the lands within the original grant of New Bennington and Ruel’s and Aver’s Gore, within lands excepted, for the purpose of making and repairing roads and building bridges in said town and gorges, was sent up from the house of Representatives with this order thereon:

“In General Assembly Oct. 17, 1800.

Read and referred to Mess<sup>rs</sup> D. Sheldon, Henry, Flagg, Elias Keyes &c. to state facts &c.

Attest NATHAN OSGOOD Clerk.”

And the same being read, it was Resolved, That M<sup>r</sup> Marvin do join the

aforesaid Committee.  
A number of Subscribers, praying that they and their associates be granted, them for laying out, surveying

and turnpiking, under the usual regulations and restrictions in such cases made and provided, a road thro' the Counties of Bennington and Rutland, and A petition from Daniel Chipman and others, praying for the liberty of erecting a turnpike road from Middlebury to Woodstock, and also from the road leading from said Middlebury to Woodstock to Royalton, and to incorporate the Petitioners that the object may be carried into effect, were sent up from the house of Representatives with this order on each:

"In General Assembly Oct. 18, 1800.

Read and referred to the Committee appointed on the Petition for a turnpike road on White River, to state facts and make report.

Attest NATHAN OSGOOD *Clerk.*"

And the same being severally read, it was Resolved, to concur with the house in their reference respectively.

The following resolution was received from the house of Representatives:

"In General Assembly Oct. 18, 1800.

Resolved, That his Excellency the Governor, with the advice of Council, be requested to appoint the first Thursday in December next to be observed as a day of public Thanksgiving and praise throughout this State.

Attest NATHAN OSGOOD *Clerk.*"

And the same being read and considered, Ordered, That it lie on the Table.

Adjourned untill 9 O'clock Monday morning.

MONDAY October 20<sup>th</sup> 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, passed in the house of Representatives, Entitled "An act establishing a division of lands in the town of Ferrisburgh in the County of Addison," was sent up for revision and concurrence or proposals of amendment, and being read, Resolved, To concur with the house in passing said bill into a Law.

A Petition from Jacob Adams, Keeper of the Goal in Woodstock in the County of Windsor, stating that he has boarded one William Goss, who was committed for theft, fifty one weeks to the 8<sup>th</sup> of October Instant, and who was convicted on three indictments at the last term of the Supreme Court in said County, and praying relief in the premises, was sent up from the house of Representatives with this order thereon:

"In General Assembly Oct. 18, 1800.

Read and referred to Mess<sup>rs</sup> Curtiss, Cutler and Jacob Smith, to join a Committee from Council, to state facts and make report.

Attest NATHAN OSGOOD *Clerk.*"

And the same being read, it was Resolved, That M<sup>r</sup> Knoulton do join the aforesaid Committee.

A petition from a number of persons, praying for the reduction of the dams and the removal of obstructions on Otter Creek and Lemon-Fair, was sent up from the house of Representatives with this order thereon:

"In General Assembly Oct. [18,] 1800.

Read and referred to Mess<sup>rs</sup> Spooner, Theophilus Harrington and Seeley, to join a Committee from Council, to state facts and make report.

Attest NATHAN OSGOOD *Clerk.*"

And the same being read, Resolved, That M<sup>r</sup> Allis do join the aforesaid Committee.

Adjourned to 2 o'clock P. M.



2 O'CLOCK P. M.

The following resolution was sent up from the house of Representatives:

"In the House of Representatives, Oct. 20<sup>th</sup>, 1800.

Resolved, that a Committee of one from each County be appointed to take into consideration and examine the several Statute laws now in force for the Collection of debts, and report by bill or otherwise, such alterations and amendments therein as they shall think necessary.—Members Chosen, to wit, Mess<sup>rs</sup> Chipman, El<sup>m</sup> Keyes, Barlow, Crafts, Beardsley, Ja<sup>s</sup> Fisk, Gallop, Henry and Robinson to join &c. Extract from the Journals.

Attest N. OSGOOD, Clerk."

And the same being read, it was Resolved, That Mr. Spencer do join the Committee appointed by the house on the foregoing resolution.

The following resolution was sent up from the house of Representatives:

In General Assembly, Oct. 17, 1800.

Resolved, that the Petition of the Proprietors and Landowners of the town of Huntington be referred to a Third land tax Committee, to wit, Mess<sup>rs</sup> D. Sheldon, Henry, Flagg, Elias Keyes and Sam<sup>l</sup> Jewett, to join a Committee from Council, to state facts and make report. Extract from the Journals.

Attest NATHAN OSGOOD, Clerk."

And the said resolution being read, Resolved, That Mr. Miller do join the aforesaid Committee.

A Petition from Daniel Cook, in behalf of the inhabitants of Corinth, praying for a tax of three cents on each acre of land in said town, and a petition from Rich<sup>d</sup> H. Huntley, W<sup>m</sup> Thompson and Lemuel Tabor, in behalf of the Inhabitants of Topsham, praying for a tax of three cents on each acre of land in said town, public lands excepted, for the purpose of making roads and building bridges, were sent up from the house of Representatives with this order on each:

"In General Assembly Oct. 17, 1800.

Read and referred to the third land tax Committee, to join a Committee from Council, to state facts &c.

Attest NATHAN OSGOOD, Clerk."

And the same being severally read, Resolved, To concur in the said reference thereon respectively.

Adjourned untill 9 O'clock Tomorrow morning.

TUESDAY, October 21, 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Governor communicated to the Council two letters that he had received from the hon<sup>ble</sup> John Ellsworth Esquire Chief Judge of the County Court in Orleans County, and Elijah Strong Assistant Judge of said Court, in and by which they resigned their respective offices, and the same being read and considered, on motion, Resolved, That the Council do at this time proceed to the election of a Chief Judge and assistant Judge of the County Court in Orleans County, to supply the vacancies occasioned by the resignation of the hon<sup>ble</sup> John Ellsworth & Elijah Strong Esq<sup>r</sup>. The ballots being taken and examined for a Chief Judge, The hon<sup>ble</sup> Timothy Hinman had all the votes, and was declared duly elected. The ballots being taken for an assistant Judge and examined, The Hon<sup>ble</sup> Samuel C. Crafts had a majority of the votes, and was declared duly elected.

The Governor laid before the Council the following letter from the hon<sup>ble</sup> Luke Knoulton Esquire :

*"To his Excellency Isaac Tichenor Governor of the State of Vermont.*

Sir,—I have the honor of communicating to you & thro' you to the Legislature the resignation of my office and seat at the Council board. Impressed with a sense of the honor and the confidence my fellow Citizens have so repeatedly manifested in Electing me to this important office, I should do violence to my feelings in not expressing on this occasion my warmest sentiments of gratitude and esteem. The repeated and unsolicited suffrages of the free and enlightened Citizens of this State will ever reflect the highest happiness to that mind whose greatest glory rests on the good esteem of his fellow creatures. You will permit me, as I am now retiring from public life in which I have been so long concerned, to assure you that, in every situation in which I have been placed, whether in the Legislative, the Executive, or Judicial departments, it has been my constant aim and design to discharge the duties imposed on me with firmness, wisdom and integrity—And if in any instance I have erred, it has arose thro' defect of the head, and not of the heart. And now, with fervent prayers to the supreme ruler of the universe for the prosperity of my country and the peace and happiness of this State, I retire and bid you *adieu*, and subscribe myself &c. &c.

LUKE KNOULTON.

Middlebury 21 Oct. 1800."

The same being read, Resolved, the house of Representatives concurring therein, that the house of Representatives be requested to meet the Governor and Council, in the Representatives' room, in joint Committee, at the opening of the house this afternoon, to supply the seat in the Council become Vacant by the resignation of the hon'ble Luke Knoulton Esquire. Ordered, That the Secretary communicate the foregoing letter of Mr. Knoulton's and the above resolution to the house.

The aforesaid resolution was returned from the house concurred.

The petition of the Inhabitants of Warren was sent up from the house of Representatives with this order thereon :

"In General Assembly Oct. 20, 1800.

Report of Committee read and referred again to the same Committee.

Attest N. OSGOOD Clerk."

And being read, Resolved, That the Council do concur in the said reference.

A petition from Enoch Woodbridge and others, praying for leave to establish a Turnpike in the most direct and convenient place for a public road from the Court house in Vergennes to the line of the State of New York, in a direct course to Troy in said State, was sent up from the house of Representatives with the following order thereon:

"In General Assembly Oct. 17, 1800.

Read and referred to the Committee on the Petition for a Turnpike on White River, to state facts &c.

Attest NATHAN OSGOOD Clerk."

And the same being read, Resolved, To concur in the reference of the house thereon.

A petition from the inhabitants, proprietors and landowners of St Albans in the County of Franklin, praying for a tax of eight cents on each acre of land in said township, for the purpose of defraying the expences of erecting the County buildings and a County Grammar School in said town, was sent up from the house of Representatives with this entry thereon:

"In General Assembly Oct. 17, 1800.

Read and referred to Mess<sup>rs</sup> Barlow, Bottom, McClure, White and Emmons to join a Committee from Council, to state facts and make report.

Attest NATHAN OSGOOD Clerk."

The same being read, Resolved, That M<sup>r</sup>. Brigham join aforesaid Committee.

The following bills passed in the house of Representatives were sent up for revision and concurrence or proposals of amendment, viz. "An act making appropriations for the payment of the Council of Censors and other persons for services rendered said Council at their Session in February 1800;" "An act directing the Treasurer of this State to credit the First Constable of the Town of Marlboro' the sum therein mentioned;" and "An act directing the Treasurer of this State to credit the Town of Jamaica the sum therein mentioned,"—and the same being severally read and considered, Resolved, To concur with the house in passing them into Laws.

On motion, Resolved, That when any private bill passed in the house of Representatives shall be sent up for revision &c. the Governor and Council will not proceed to act on the same unless the petition and report thereon, upon which the same was predicated, shall accompany it; or unless it shall appear by the note on the back of said bill that the same was brought forward on the motion of some member. Ordered, That the Secretary furnish the Clerk of the house with a copy of the foregoing resolve.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

Agreeably to the concurrent resolution of both houses, the Governor and Council proceeded to the Representatives' room, and met that body in joint Committee for the purpose of electing a Councillor, to supply the seat in the Council become vacant by the resignation of the hon'ble Luke Knoulton Esq<sup>r</sup>. His Excellency in the Chair—The Secretary of State Clerk. The ballots being taken and examined, The hon'ble Benjamin Burt, Esq<sup>r</sup>. had a majority of all the votes—when John Chipman Esq<sup>r</sup>. Sheriff of Addison County, by public proclamation, declared the s<sup>d</sup>. Benj<sup>r</sup>. Burt duly elected Councillor for the year ensuing, by the joint ballots of both houses. On motion, Resolved, That the joint Committee do at this time proceed to the Election of a Surveyor General for the year ensuing, & the ballots being taken and examined, The hon'ble James Whitelaw had a majority of all the votes, and was declared duly elected. The Committee then dissolved, and the Governor and Council returned to their Chamber.

Ordered, That the Secretary write to the hon'ble Benjamin Burt Esq<sup>r</sup>. inform him of his election as Councillor, and request his attendance as soon as possibly convenient.

Resolved, That M<sup>r</sup>. Robinson be appointed a Committee on the Petition of Anthony Rowling [or Pauling] and others, in the room of the hon'ble Luke Knowlton Esquire.

Resolved, That M<sup>r</sup>. Safford be appointed as above on the Petition of Jacob Davis.

The Council adjourned untill 9 O'clock Tomorrow morning.

WEDNESDAY, October 22<sup>d</sup> 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

On motion, Resolved, That the debenture of the hon'ble Luke Knoulton Esquire, late member of Council, be passed at thirty Dollars and thirty Cents, and that the Treasurer be requested to pay over said sum of money, for which provision will be made in the bill of appropriation.

A petition from Andrew M<sup>c</sup>Gaffey and others, praying for a tax of three cents on each [acre] of land in Navy [Charleston,] for the purpose

of making roads and building bridges in said Town, was sent up from the house of Representatives with this order thereon:

"In General Assembly Oct. 22, 1800.

Read and referred to the Third land tax Committee to state facts &c.

Attest NATHAN OSGOOD *Clerk.*"

And the same being read, Resolved, That the Council do concur in the said reference.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

Mr. Spencer stated to the Governor and Council that in consequence of the death of the hon'ble Samuel Williams Esq<sup>r</sup> late Chief Judge of the County Court of Rutland County, that seat, the most important, had become vacant, and that he conceives it necessary the vacancy should be supplied at this time, as the County Court of that County would sit on the third Monday of November next—whereupon, Resolved, That the Governor and Council do, at this time, proceed by ballot to fill said vacancy—and The ballots being taken and examined, Theophilus Harrington Esquire had a majority of all the votes, and was accordingly declared duly elected.

The Council adjourned untill 9 O'clock Tomorrow morning.

THURSDAY, October 23<sup>d</sup> 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Governor and Council met the house of Representatives in joint Committee in the Representatives' room, to complete the election of the several Counties' officers, & the s<sup>d</sup> Committee having made progress therein, adjourned to 4 O'clock this afternoon, and the Governor and Council returned to their Chamber, and adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act authorising the Selectmen of Hyde-Park to exchange the School right in said town with Jedediah Hyde," was sent up for revision &c. and being read, it was ordered, That it lie on the table.

At 4 O'clock the Governor and Council met the house of Representatives, in joint Committee, to complete the County Elections, and adjourned untill Saturday morning next at the opening of the house, When the Governor & Council returned to their Chamber.

A bill, passed in the house of Representatives, Entitled "An act directing the Treasurer of this State to credit the Town of Halifax the sum therein mentioned," was sent up for revision &c. and being read, Resolved, to concur with the house in passing said bill into a Law.

Adjourned untill 9 O'clock Tomorrow morning.

FRIDAY, October 24<sup>th</sup> 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolution was sent up from the house of Representatives:

"In General Assembly Oct. 24, 1800.

Resolved, That a Committee, consisting of a member from each County, be appointed to join a Committee from Council, to enquire if any and what amendments are necessary to the act, Entitled "An act for the support of the Gospel," and report by bill or otherwise.—Members Chosen—Mess<sup>rs</sup> Butler, Safford, Stanley, Bliss, Spooner, Jas Fisk, S. R. Bradley, G. Olin, Wood and Smith. Extract from the Journals.

Attest N. OSGOOD, *Clerk.*"

And the same being read, Resolved, That Mess<sup>rs</sup> Brigham, Marvin and Strong do join the aforesaid Committee.

A bill, passed in the house of Representatives, Entitled "An act appointing a new Collector of a land tax in the town of Charlotte," was sent up for revision &c. and being read, Resolved, To concur with the house in passing the same into a law.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act establishing the location and division of the lands in Orwell," was sent up for revision &c. and being read, Resolved, To concur with the house in passing the same into a law.

The resolution received from the house on the 18<sup>th</sup> Instant, respecting the appointment of a day of Thanksgiving and praise, was again read and considered, when it was Resolved, That the Governor be requested to issue his proclamation appointing Thursday the fourth day of December next as a day of public Thanksgiving and praise throughout this State.

The bill Entitled "An act authorizing the Selectmen of Hyde-park to exchange the School right in said town with Jedediah Hyde," was again read, when it was Resolved, To concur with the house in passing the same with certain proposals of amendment; and Mr Galusha was appointed to inform the house of the reasons of Council in proposing the said amendments.

The Council adjourned untill 9 O'clock Tomorrow morning.

SATURDAY October 25<sup>th</sup> 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

Agreeably to adjournment the Governor and Council met the house of Representatives in joint Committee, to complete the County elections, and having finished the same the said Committee was dissolved, and the Governor and Council returned to their Chamber.

On motion of Mr. Marvin, Resolved, That he have leave of absence untill Thursday evening next.

On motion of Mr. Todd, Resolved, That he have liberty of absence during the remainder of the Session.

A bill passed in the house of Representatives, Entitled "An act in amendment of an act establishing a Corporation by the name of the Windham Turnpike Company, passed the first day of November 1799," was sent up for revision &c. and the same being read, Resolved, To concur with the house in passing the same into a Law. Ordered, That the Secretary acquaint the house with the same.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The hon<sup>ble</sup> Enoch Woodbridge Esquire, Chief Judge of the Supreme Court of Judicature, personally appeared before the Governor and Council and the oaths of office, and to support the Constitution of the United States, were administered to him by his honor the L<sup>t</sup> Governor.

Adjourned untill 10 O'clock on Monday morning.

MONDAY October 27, 1800, 10 o'clock A. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act

reviving an act Entitled 'An act assessing a tax of two cents on each acre of land in the town of Cabot, for the purpose of making and repairing roads and building bridges in said town;' " "An act in addition to an act Entitled 'An act regulating the disposition of monies raised by tax on lands in the several towns, for the purpose of making and repairing roads and building bridges;' " "An act in addition to and alteration of an act Entitled 'An act incorporating part of the towns of Newhaven, Panton and Ferrisburgh;' " "An act laying a tax of two cents per acre on the town of Fairfax;" and "An act directing the Treasurer to credit the town of Williston the sum therein mentioned." The said bills being severally read and considered, Resolved, to concur with the house in passing the same respectively into laws. Ordered, That the Secretary acquaint the house therewith.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The Council met pursuant to adjournment, and adjourned untill 9 O'clock Tomorrow morning.

TUESDAY October 28<sup>th</sup> 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, passed in the house of Representatives, Entitled "An act granting relief to Knight Sprague, of Kingston [Granville,] in the County of Addison," was sent up for revision &c. and being read, Resolved, To concur with the house in passing said bill into a Law.

A bill, passed in the house of Representatives, Entitled "An act in addition to and amendment of an act Entitled 'An act assessing a tax of two cents per acre on the town of Bakersfield,' passed Oct 31<sup>st</sup> 1799," was sent up for revision &c. and being read, Resolved, That it be referred to Mr Galusha for amendment.

A bill, passed in the house of Representatives, Entitled "An act granting relief to the Manager of the Hubbarton and Castleton road lottery," was sent up for revision &c. and being read, Resolved, That it be referred to Mr Chamberlain for amendment.

A bill, Entitled "An act in addition to an act Entitled 'An act defining the powers of Justices of the Peace,'" was sent up from the house of Representatives, with this order thereon:

"Read and referred to Mess<sup>rs</sup> James Fisk, G. Olin, Robinson, Buckingham and Butler, to join &c. and also to report whether any alterations are necessary to the "act directing the proceedings against the trustees of concealed or absconding debtors."

Attest N. OSGOOD Clerk."

Which was read, & Resolved, That Mr Jacob do join the aforesaid Committee.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.

A Petition from Benjamin Cooley, John Penfield and Adgat Lathrop, Selectmen of the Town of Pittsford, addressed to the Governor and Council, stating that one John Miller, a foreigner residing in said town, who has appeared to be an honest man and by his industry accumulated a small property, in the summer of 1797 took one of his neighbors, who had lost his house by fire, with his family, into his house, and the s<sup>d</sup> Miller being a single man and the wife of his s<sup>d</sup> neighbor a delusive bad character, he was discovered in bed with her, and on trial for the s<sup>d</sup> offence in Jan<sup>y</sup> 1798 was convicted and fined the sum of one hundred dollars—which said Judgement the said Miller has so far complied with as to pay all the costs and to cancel the fine except eighty two dollars, and

if subjected to pay the remainder, it would take nearly all his property. And as the s<sup>d</sup> Miller is a foreigner, and getting into years, it would subject the town to the expence of his support—and therefore praying, that the Governor and Council would remit the remainder of the fine, or so much thereof as they may think fit, was read. When, M<sup>r</sup> Spencer, State's Attorney for the County of Rutland, informed the Governor and Council that the said Miller was not fined by the Court, but became liable on a suit on his recognizance to appear and abide the order of Court, and on a verdict of the jury of Guilty, the said Miller not appearing, his recognizance became forfeit. Upon which statement, on motion, Resolved, That it is not within the power of the Governor and Council to grant relief in the premises. Ordered, That the Petitioners have leave to withdraw their petition.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act in addition to an act Entitled 'An act for the distribution of the laws, Journals and other papers;'" "An act directing the Treasurer of this State to credit the Constable of the town of Sharon in the County of Windsor the sum therein mentioned;" and "An act laying a tax of one cent per acre on the town of Killington" [Sherburne,] and the same being read and considered, Resolved, To concur in passing the said bills respectively into laws.

M<sup>r</sup> Galusha, to whom was referred the bill Entitled "An act in addition to and amendment of an act Entitled 'An act assessing a tax of two cents per acre on the town of Bakersfield,' passed October 31, A. D. 1799," reported sundry amendments to said bill, which were read and accepted, when it was Resolved, To concur with the house in passing said bill as amended.

The following bills, passed in the house of Representatives, were sent up for revision &c. viz. "An act laying a tax of two cents per acre on the town of Chittenden;" "An act laying a tax of three cents per acre on the town of Fairfield;" "An act assessing a tax of two cents per acre on the town of Andover;" "An act laying a tax of one and a half cent per acre on all the lands in the Township of Northfield;" "An act laying a tax of two cents per acre on the township of Mount-holly;" and "An act empowering the Judge of Probate in the District of Caledonia to grant license to Enos Stevens to sell certain lands within said district." And the said Bills being severally read and considered, Resolved, To concur with the house in passing them into laws respectively. Ordered, That the Secretary acquaint the house with the same.

The Council adjourned untill 9 o'clock Tomorrow morning.

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WEDNESDAY, October 29<sup>th</sup> 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Petition of Charles Hawkins Jr<sup>r</sup> Davis Onsley, and Merritt Priest, all of Fairhaven, in the County of Rutland, stating that at the Supreme Court of Judicature holden at Rutland at their June Term A. D. 1800, they were severally convicted of a riot and sentenced to pay a fine of fifty dollars each and the costs, and praying that the said fines, or such part thereof as may be consistent with the principles of mild justice and the powers vested in the Governor and Council by the Constitution, may be remitted, was read, and after hearing the Statement of the State's Attorney of Rutland County, the Prosecutor, and the agent in behalf of the said Petitioners, and mature deliberation being had thereon, on motion of M<sup>r</sup> Jacob, Resolved, That from the evidence before the Governor and

Council on said petition, there are not sufficient grounds to justify them in interposing their authority, and therefore that the prayer thereof cannot be granted. Whereupon Ordered, That the Petitioners have leave to withdraw their petition, and M<sup>r</sup>. Jacob was requested to state to the Agent of the Petitioners the reasons why the prayer thereof could not be granted.

A bill, passed in the house of Representatives, Entitled "An act establishing certain divisions of lands in the township of Fairfax," was sent up for revision &c. and being read and duly considered, on motion of M<sup>r</sup>. Spencer, Resolved, That no direct order or resolve be at this time taken on said bill, and that M<sup>r</sup>. Chamberlain be requested to carry down the same, and state to the house the reasons why no further order will be taken thereon by the Council.

The following resolution was received from the house of Representatives:

"In General Assembly Oct. 29<sup>th</sup> 1800.

Resolved that a Committee of three be appointed to examine whether glaring impositions are not frequently made in the sale of plank, boards, scantling, &c. and if so to report their opinion what remedy is best adapted for the prevention of that evil in future. Members chosen—Mess<sup>rs</sup> Hay, El<sup>l</sup>. Keyes, and Burton. Extract from the Journals.

Attest NATHAN OSGOOD Clerk."

Which was read, & Resolved, That M<sup>r</sup>. Strong do join the aforesaid Committee.

The following resolution was received from the house:

"In General Assembly Oct. [29] 1800.

Resolved, That a Committee of one member from each County be appointed to examine whether it will be beneficial to alter or amend the act respecting the toll to be taken by millers, and if they find that such an alteration or amendment will be necessary that they report by bill or otherwise. Members chosen—Mess<sup>rs</sup> Stanley, Cahoon, Niles, Elias Keyes, D. Jewett, G. Olin, Wells, Thompson, Stanton, and S. Hubbard to join Committee from Council. Extract from the Journals.

Attest NATHAN OSGOOD Clerk."

Which was read and Resolved, That M<sup>r</sup>. Allis do join the aforesaid Committee.

Adjourned to 2 O'clock P. M.

2 O'clock P. M.

A bill passed in the house of Representatives, Entitled "An act for the purpose of regulating suits respecting landed property and directing the mode of proceeding therein," was sent up for revision &c. and being read, Resolved, That it be referred to Mess<sup>rs</sup> Jacob, Chamberlain, and Galusha to report thereon by amendment or otherwise as they shall think fit.

A bill, Entitled "An act granting relief to Nathan Foot senior of Cornwall," was sent up with this order thereon viz.

"In General Assembly Oct. 29, 1800.

Read and referred to Mess<sup>rs</sup>. Slade, D. Sheldon and G. Olin, to join Committee from Council.

Attest N. OSGOOD Clerk."

Which was read, & Resolved, That M<sup>r</sup>. Miller do join the aforesaid Committee.

A bill, passed in the house of Representatives, Entitled "An act assessing a tax of two and a half cents per acre on the township of Fletcher," was sent up for revision &c. read & Ordered, That it lie on the table.

The Council adjourned until 9 O'clock Tomorrow morning.



THURSDAY, October 30<sup>th</sup>, 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

A Petition from Stephen Conant of Windsor, stating that he has sustained losses in the destruction of buildings by fire to the amount of four or five Thousand Dollars, in addition to all his sadlery wares, and praying the Legislature to grant him the benefit of a lottery to raise the sum of — dollars, was received from the house, with this order thereon:

"In General Assembly Oct. 30<sup>th</sup> 1800.

Read and referred to Mess<sup>rs</sup> Hay, E. Sheldon and Chipman to join a Committee from Council, to state facts and make report.

Attest N. OSGOOD Clerk."

Resolved, That M<sup>r</sup> Jacob do join the aforesaid Committee.

The bill Entitled "An act assessing a Tax of two and a half cents per acre on the township of Fletcher," was again read & Resolved, To concur with the house in passing the same into a law.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, viz. "An act appointing a new Collector of a land tax in the town of Fairfield;" and "An act appointing a new Collector of a land tax in the town of Winhall"—which were severally read & Resolved, To concur with the house in passing the said bills respectively.

On motion M<sup>r</sup> Jacob obtained leave to introduce a bill Entitled "An act in addition to an act Entitled 'an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings,'" and the same having had a first & second reading, Resolved, That the same do pass. Ordered, That the said bill be engrossed and that the Secretary carry the same to the house and desire their concurrence.

On motion of M<sup>r</sup> Jacob Resolved, The General Assembly concurring, that the Governor and Council with the General Assembly meet in joint Committee in the Representatives' room, at 9 o'clock tomorrow morning, and proceed to appoint Electors on the part of this State to choose the President and Vice President of the United States. Ordered, That the Secretary carry the said resolution to the house.

The Hon<sup>ble</sup> Benjamin Burt Esq<sup>r</sup> elected a member of Council by the joint ballots of both houses, appeared in the Council Chamber, declared his acceptance of the appointment, and after taking the oaths prescribed by law, was admitted to a seat.

The Council adjourned untill 9 o'clock tomorrow morning.

FRIDAY, October 31<sup>st</sup> 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

The resolution sent down to the house yesterday, relative to the election of Electors of President and Vice President, was returned from the house concurred. The Governor and Council proceeded immediately to the Representatives' room and met the General Assembly in joint Committee for the purpose expressed in the said resolution—His Excellency in the Chair, The Secretary of State Clerk—And the ballots being severally taken and examined, The Hon<sup>ble</sup> Elijah Dewey, Jonathan Hunt, Roswell Hopkins and William Chamberlain were declared duly elected Electors of President and Vice President of the United States.

A bill which was passed the present session of the legislature, Entitled "An act in addition to and alteration of an act entitled 'An act incorpo-

rating part of the towns of Newhaven, Pantton and Ferrisburg," was sent up from the house of Representatives with this order thereon :

"In General Assembly Oct. 30, 1800.

Resolved, the Council concurring therein, that the word "untill" in the sixth line of the 1<sup>st</sup> Section be erased, and the words "one year from" be added to this bill. Attest **NATHAN OSGOOD, Clerk.**"

Which was read & Resolved, To concur in the same.

A bill, passed in the house of Representatives, Entitled "An act laying a tax on the County of Bennington," was sent up for revision &c. read and Resolved, To concur in passing the said bill into a Law.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The Council met and adjourned to 9 O'clock Tomorrow morning.

**SATURDAY, November 1<sup>st</sup> 1800, 9 O'clock A. M.**

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, viz. "An act defining the jurisdictional line between the towns of Bennington and Pownal for the time being;" "An act laying a tax of three cents per acre on the town of Fairfield;" "An act directing the Treasurer of this State to pay Jacob Adams the sum of one hundred and fifty two Dollars and ninety Seven cents;" "An act directing the Treasurer of this State to pay the Selectmen of Hydepark the sum therein mentioned;" "An act empowering Elijah Hammond to dispose of the real estate of Abraham Page;" "An act assessing a tax of one cent on the Dollar on the list of one thousand eight hundred;" "An act granting a lottery to Stephen Conant;" and "An act incorporating and establishing a College at Middlebury, in the County of Addison." And the said bills with the documents accompanying the same being severally read and considered, it was Resolved, To concur with the house in passing the said bills respectively into laws. Ordered, That the Secretary acquaint the house with the same.

A bill, passed in the house of Representatives, Entitled "An act establishing a Corporation by the name of the White River Turnpike Company," was sent up for revision &c. Read & Resolved, That it be referred to Mr. Miller and Mr. Safford to report specially their opinion thereon.

A bill, passed in the house of Representatives, Entitled "An act directing the State's Attorney of the County of Orange to cancel and give up a certain note to Elijah Beeman," was sent up for revision &c. and being read, Resolved, To nonconcur in passing the said bill, and Mr. Spencer appointed to return the same to the house and state the reasons of Council for their nonconcurrence.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The Committee to whom was referred the bill Entitled "An act establishing a corporation, by the name of the White River Turnpike Company," reported that the same was correctly draughted and that it ought to pass, Whereupon Resolved, To concur with the house in passing said bill into a law.

The Council adjourned untill Monday Morning 9 O'clock.

**MONDAY, November 3<sup>rd</sup> 1800, 9 O'clock A. M.**

The following bills, passed in the house of Representatives, were sent up for revision &c. viz. "An act directing the organization of the

County of Essex," and "An act repealing the ninth Section of an act Entitled 'an act relating to fines, forfeitures, penalties and Costs, & directing the mode of taking recognizances in certain cases,'" which were severally read and considered & then Resolved, To concur in passing the same respectively into laws.

On motion of Mr. Marvin, Resolved, That he have liberty of absence during the remainder of the Session, and that his debenture be passed at 41 <sup>82</sup>/<sub>100</sub> Dollars.

A bill, passed in the house of Representatives, Entitled "An act suspending prosecutions against John Garland for the term of ten years," was sent up for revision &c. Read & Resolved, That it be referred to Mr. Chamberlain for amendment.

Adjourned to 2 O'clock.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act incorporating certain persons therein mentioned by the name of the Center Turnpike Company," was sent up for revision &c. and being read, Resolved, To concur with the house in passing the said bill into a law.

The Committee appointed on the bill Entitled "An act for the purpose of regulating suits respecting landed property, and directing the mode of proceeding therein," reported the same with sundry amendments, which were read and considered. On the passing of the said bill the Yeas and Nays, being required by Mr. Jacob, were as follows: Yeas—Mess<sup>rs</sup> Brigham, Chamberlain, Miller, Allis, Spencer, Burt and Strong—7. Nays—Mess<sup>rs</sup> Safford, Robinson, Galusha, and Jacob—4: so it passed in the affirmative, and Mr. Spencer was requested to carry s<sup>d</sup> Bill to the house & inform them thereof.

Adjourned to 9 o'clock tomorrow morning.

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TUESDAY November 4<sup>th</sup> 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following written message was received from the house:

"In General Assembly Nov. 3, 1800.

Resolved that the house do concur in passing the bill Entitled "An act in addition to an act entitled 'an act constituting the Supreme Court of Judicature,' &c." Extract from the Journals.

Attest N. OSGOOD Clerk."

On motion, Mr. Jacob obtained leave to introduce a bill Entitled "An act directing the appointment of a Clerk of Engrossings, and regulating his office and duty," and the same having had two several readings, Resolved, That the same do pass, and that it be sent to the house for their revision & concurrence or proposals of amendment.

On motion, Mr. Burt obtained leave to introduce a bill Entitled "An act in addition to an act Entitled 'An act laying a tax of three mills on the dollar on the polls and rateable estate of the Inhabitants of the County of Windham,' passed Nov. 2 1799," and the same being twice read, Resolved, That the said bill do pass, and that it be sent to the house for their revision & concurrence or proposals of amendment.

A bill, passed in the house of Representatives, Entitled "An act appointing a place for the meeting of the Electors of this State for electing a President and Vice President of the United States," was sent up for revision &c. and being read, Ordered, That it be referred to Mr. Jacob for amendment, who reported the same with amendment, which was accepted & Resolved, To concur in passing said bill as amended, & Mr.

Jacob requested to carry the same to the house and inform them of the reasons of Council in proposing the said amendment.

A bill, passed in the house of Representatives, Entitled "An act to suspend all prosecutions and suits of a civil nature against John Basse [Bessee] for the term of time therein mentioned," was sent up for revision &c. and being read, it was ordered, That it be referred to Mr. Galusha for amendment.

A bill, passed in the house of Representatives, Entitled "An act to incorporate the proprietors and owners of an Acqueduct in the east parish of Rutland," was sent up for revision &c. and being read, it was Ordered, That it be referred to Mr. Spencer for amendment.

A bill, passed in the house of Representatives, Entitled "An act giving leave to John D. Nelson to raise by lottery the sum of one thousand Dollars," was sent up for revision &c. and the same being read, it was Resolved, To nonconcur with the house in passing the same into a law.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, viz. "An act laying a tax of eight cents per acre on the town of St Albans, for the purpose therein mentioned;" "An act laying a tax of three cents per acre on the town of Weston;" "An act laying a tax of two cents per acre on the town of Alburgh;" "An act laying a tax on the County of Franklin;" "An act for the alteration of the [name of the] town of Killington to that of Sherburne;" "An act directing the Treasurer of this State to pay to Joseph Scott, Sheriff of the County of Orleans, the sum therein mentioned;" "An act in addition to an act Entitled 'An act incorporating certain persons by the name of the Green Mountain Turnpike Company,' passed Nov. 2, 1799;" "An act directing the Treasurer to give up to Sherman Fairchild a note of hand executed for a bill of cost for Richard Dorrand, a State's Prisoner;" "An act enabling the proprietors of Derby to ratify a survey of their first division lots;" "An act appointing a new Collector and a new member of Committee on land taxes in Hardwick;" "An act appointing a new Collector of a land tax in the town of Landgrove;" "An act to call in the hard money orders issued by the late Treasurer of this State;" "An act laying a tax of two cents per acre on the town of Corinth;" "An act directing the Treasurer of this State to credit the town of Harwich [Mount Tabor] the sum therein mentioned;" "An act directing the Treasurer of this State to pay the several State's Attornies and Clerks of the Supreme Court the sums therein mentioned;" and "An act establishing the survey of lots in the town of Glover." And the said bills with the documents and reports accompanying the same being severally read and considered, Resolved, To concur in passing the said bills respectively into laws.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

On motion, Resolved, That the vote nonconcurring the bill entitled "An act giving leave to John D. Nelson to raise by lottery the sum of one thousand dollars," be and hereby is reconsidered. And the said bill being again read and considered, it was Resolved, To nonconcur with the house in passing the same, and Mr. Spencer was appointed to inform the house of the reasons of the Council for their nonconcurrence.

Mr. Spencer, to whom was referred the bill Entitled "An act to incorporate the proprietors and owners of an acqueduct in the east parish of Rutland," reported [an] amendment, which was accepted, and then it was Resolved, To concur in passing the said bill as amended, and Mr. Spencer requested to inform the house of the reasons of Council in proposing the said amendment.

A bill, passed in the house of Representatives, Entitled "An act empowering David Cram, Collector of a road tax, to record his proceedings in selling lands," was sent up for revision &c. and being read, it was Resolved, To concur with the house in passing the said bill into a law.

On motion, Mr Jacob obtained leave to introduce a bill Entitled "An act establishing a Corporation by the name of the Connecticut River Turnpike Company," which was read & Ordered, To lie on the table.

The following resolution was received from the house:

"In General Assembly Nov. 4, 1800.

Resolved, His Excellency the Governor and the Council concurring therein, that both houses meet in joint Committee, at the opening of the house tomorrow morning, in the Representatives' room, for the purpose of making the appointment of the County officers in the County of Essex. Extract from the Journals.

Attest NATHAN OSGOOD, Clerk."

Which was read, and Resolved, To concur therein.

The Council adjourned untill 9 O'clock tomorrow morning.

WEDNESDAY, November 5, 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

The bill Entitled "An act establishing a Corporation by the name of the Connecticut River Turnpike Company" was read a second time and passed, and Ordered, That it be transmitted to the house by the Secretary for their revision and concurrence or proposals of amendment.

The following bills, passed in the house of Representatives, were sent up for revision &c. viz. "An act appointing a Committee to lay out and survey a County road from the Court-house in New Fane, in the County of Windham, to the north line of said County, in the direction of Rutland," and "An act annexing certain Islands in Lake Champlain to the township of South and Middle hero." which were severally read and considered and then it was Resolved, To concur in passing the same respectively into laws.

A bill, passed in the house of Representatives, Entitled "An act to prevent the floating of single mill logs in Connecticut River, and providing relief for the damages that may be done to individuals by reason of such logs grounding on their land and enclosures," was sent up for revision &c. Read and Ordered, That it be referred to Mr Jacob for amendment.

Mr Chamberlain, to whom was reported [referred] the bill Entitled "An act granting relief to the managers of the Castleton and Hubbardton road-lottery," reported the same with amendments, which were accepted, and then it was Resolved, To concur in passing the said bill as amended.

The following written messages were received from the house :

"In General Assembly Nov. 5 1800.

Resolved, that the house of Representatives do concur with the Governor and Council in their proposal of amendment to the bill Entitled "an act appointing a place for the meeting of the Electors of this State for the electing of a President and Vice President." Extract from Journals.

Attest N. OSGOOD, Clerk."

"In General Assembly, Nov. 5, 1800.

Resolved, that the house of Representatives do concur with the Governor and Council in their proposals of amendment to the act Entitled "An act to incorporate the proprietors and owners of an aqueduct in

the East parish in Rutland into a Company for the purposes therein mentioned." Extract from the Journals.

Attest NATHAN OSGOOD, Clerk."

"In General Assembly, Nov. 5, 1800.

Resolved, That the house of Representatives do concur with the Governor and Council in passing "An act in addition to an act laying a tax of three mills on the dollar on the polls and rateable estate of the Inhabitants of the County of Windham, passed Nov. 2, 1799." Extract from the Journals.

Attest N. OSGOOD, Clerk."

A bill, passed in the house of Representatives, Entitled "An act to prevent petitions for Turnpike Companies being brought before the General Assembly without being publicly notified," was sent up for revision &c. & being read and amended, it was Resolved, To concur in passing the same with the proposal of amendment accompanying the said bill.

A bill passed in the house of Representatives, Entitled "An act incorporating Social Library Societies in this State & giving them certain powers and privileges," was sent up for revision &c. and being read, it was Ordered, That it be referred to Mess<sup>rs</sup> Brigham & Galusha for amendment.

On motion, Mr Spencer obtained leave to bring in a bill, Entitled "An act regulating the travel with sleighs and sleds in this State," which was read and Ordered, That it be referred to Mess<sup>rs</sup> Spencer & Robinson for amendment.

Mr Jacob, to whom was referred the bill Entitled "An act to prevent the floating of single mill logs in Connecticut River, and providing relief for damages that may be done by means of such logs grounding on their lands," reported the same bill with a new title, viz. "An act concerning Pine and other timber floating on Connecticut River, or lodging on its shores," which was accepted, and then Resolved, to concur in passing the said bill, with the proposal of amendment above reported.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following bills, passed in the house of Representatives, were sent up for revision & concurrence or proposals of amendment: "An act authorising the Proprietors and Landowners of the town of Royalton to establish the division of lands heretofore made;" "An act laying a tax of two cents per acre on the Township of Navy," [Charleston;] "An act granting a tax of two cents per acre on the town of Topsham;" "An act enabling the Treasurer to collect from the Inhabitants of Tunbridge &c." and "An act assessing a tax of two cents per acre on the township of Huntington, including all the lands in the original grant of New Huntington, and also all the lands in the tracts called Buel's and Avery's Gores." And the said bills, with the documents accompanying the same, being read, it was Resolved, To concur in passing the same respectively into laws.

A bill, passed in the house of Representatives, Entitled "An act empowering Asa Woods and Ruel Sherman, Collectors of Road taxes, to record their proceedings," was sent up for revision &c. and being read, it was Ordered, That the said bill be referred to Mess<sup>rs</sup> Jacob and Galusha to report amendments.

A bill, passed in the house of Representatives, Entitled "An act enabling the proprietors of the town of Whiting to make and establish a division of their lands," was sent up for revision &c. and being read, it was Ordered, That it be referred to Mess<sup>rs</sup> Allis & Strong to propose amendments.

The following bills, passed in the house of Representatives, were sent

up for revision & concurrence or proposals of amendment: "An act to establish the amended records of the proprietors of Underhill;" "An act in addition to an act entitled 'an act appointing a Committee to lay out and survey a County Road from Montpelier and Calais to Danville;'" "An act directing the Treasurer of this State to credit the town of Reedsborough the sum therein mentioned;" and "An act directing the Treasurer of this State to pay to Roswell Smith, for the benefit of the town of Moretown, the sum therein mentioned." And the said bills, with the accompanying documents, being severally read and considered, it was Resolved, To concur in passing them into laws respectively.

On motion, Mr. Miller had leave to introduce a bill Entitled "An act for perpetuating the adjudications of the Supreme Court," and the same being read it was Ordered, That it be referred to Mess. Miller and Galusha.

The bill, which originated in Council, Entitled "An act directing the appointment of a Clerk of Engrossings and regulating his office and duty," was returned from the house of Representatives concurred with the following proposal of amendment: After the word "State" in the first line of the second page, add the following—"and annually to prepare the necessary blank paper for the said general list, and for the use of the Committee for canvassing the Votes of the [freemen for] Governor, Lt Governor, Treasurer and Councillors;" which being read, Resolved to concur with the house in their proposed amendment.

Mr. Chamberlain reported that the bill Entitled "An act suspending prosecutions against John Garland, for the term of ten years," ought to receive certain amendments, which he had proposed, which was accepted, & Resolved, To concur in passing the said bill, as amended, and Mr. Chamberlain requested to inform the house of the reasons of Council.

A bill, passed in the house of Representatives, Entitled "An act to lay out a Road, thro' the western part of the Counties of Addison and Rutland," was sent up for revision &c. Read & Ordered, That it be referred to Mr. Burt for amendment.

Adjourned to 9 O'clock tomorrow morning.

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THURSDAY, November 6<sup>th</sup> 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following message was rec<sup>d</sup>. from the house:

"In General Assembly Nov. 5, 1800.

Resolved that the house of Representatives do concur with the proposals of amendment to "An act for the purpose of regulating suits respecting landed property, and directing the mode of proceeding therein," and passed the same into a law of this State. Extract from the Journals.

Attest NATHAN OSGOOD, Clerk."

Mess<sup>rs</sup>. Brigham and Galusha, to whom was referred the bill, Entitled "An act incorporating the Social Library Societies in this State and giving them certain powers," reported amendments to be made thereto, which were accepted, and then it was Resolved, To concur in passing the same as amended, and Mr. Galusha requested to inform the house of the reasons of Council in proposing the said amendments.

The following bills, passed in the house of Representatives, were sent up for revision & concurrence or proposals of amendment, viz. "An act establishing a Corporation by the name of Royalton & Woodstock Turnpike Company;" "An act authorising the proprietors of Bridgewater to confirm and complete the division of their lands;" "An act to suspend the prosecution of an extent in favor of the Treasurer of this State against Joel Griffin;" and "An act appointing a Committee to lay out a

Road through the western part of the Counties of Addison & Rutland," and the said bills, with the accompanying documents, being severally read, it was Resolved, To concur in passing them respectively into laws.

Mess<sup>rs</sup> Spencer and Robinson, to whom was referred the Bill Entitled "An act to regulate the travel with sleighs or sleds in this State," reported that it ought to pass, whereupon Resolved, That the said bill do pass, and ordered that it be engrossed and transmitted to the house by the Secretary for their revision &c.

Mr Galusha, to whom was referred the bill Entitled "An act to suspend all prosecutions and suits of a civil nature against John Basse [Bessee] for the term of time therein mentioned," reported amendments, which were adopted, and then it was Resolved, To concur in passing said bill as amended, and Mr Galusha appointed to inform the house of the reasons of Council in proposing the said amendments.

The following resolution was received from the house :

"In General Assembly Nov. 5, 1800.

Resolved that there be a Committee of two appointed from this house, to join a Committee from Council, to draught and report a bill to this house making appropriations for the year ensuing. Members Chosen—Mess. Robinson and Jacob Smith. Extract from the Journals.

Attest N. OSGOOD, Clerk."

Resolved, That Mr Brigham do join the aforesaid Committee.

On motion, Resolved, That the Vote nonconcurring the bill Entitled "An act giving leave to John D. Sheldon to raise by lottery the sum of one Thousand Dollars," be and the same is hereby reconsidered. And the said bill being again read and amended, Resolved, To concur in passing the same as amended, & Mr Brigham appointed to inform the house of the reasons of Council in proposing the said amendments.

The Committee, to whom was referred the bill Entitled "An act making provision for perpetuating and making more public the adjudications of the supreme Court," reported that it ought to pass, whereupon Resolved, That the said bill do pass, and Ordered, That it be sent to the house for their revision &c.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act incorporating Johnson's Gore, in the County of Windham, into a town by the name of Acton;" "An act in addition to an act Entitled 'An act directing the laying out and making a County Road from the South line of Wheelock in the County of Caledonia to the South line of Stanstead in Canada, and taxing sundry towns thro' which the same shall pass,' passed 31<sup>st</sup> Oct. 1799;" and "An act in addition to an act Entitled 'An act appointing a Committee to lay out, alter and streighten the road from Vergennes thro' Castleton to Bennington,'" and the said bills being severally read and considered, Resolved, To concur in passing them into laws respectively.

The following resolution was sent up from the house :

"In General Assembly, Nov. 6, 1800.

Resolved that his Excellency the Governor and Council be requested to give information to the house what order they have taken, if any, on a resolution of this house, passed the 29<sup>th</sup> Oct last, requesting his Excellency the Governor and Council to meet this house in Grand Committee, in the Representatives' room, at the opening of the house, on the morning of the 31<sup>st</sup> of the same October, for the purpose of Electing a Chief Judge of the County Court for the County of Rutland, to fill the



vacancy occasioned by the death of the late Samuel Williams Esquire. Extract from the Journals. Attest N. OSGOOD, Clerk."

Which was read, and on motion Ordered, That M<sup>r</sup>. Spencer be requested to inform the house of Representatives that altho' no resolution of the description mentioned in said resolution, as respects dates, has been received by the Council, yet they did receive a resolution, in substance the same, dated the 30<sup>th</sup> of Oct. requesting them to meet the house of Representatives at the opening of the house the then next morning, in the Representatives' room, but did not receive the same 'till after the time of said meeting had expired, and that they have taken no order thereon.

The bill passed in Council, Entitled "An act regulating the travel with sleighs or sleds in this State," was returned from the house non-concurred, by M<sup>r</sup>. Butler, who assigned the reasons of the house for their nonconcurrence and withdrew.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act directing the Treasurer of this State to credit the town of Middlebury the sum therein mentioned;" "An act establishing the division of lands in the town of Shoreham;" "An act granting to John Taylor of Alburgh the exclusive right of keeping a ferry from the Northwest part of said town across Lake Champlain to the Western shore in the State of New York;" "An act enabling the proprietors of the town of Whiting to make and establish a division of their lands;" "An act granting to Peter Ferris the exclusive right of keeping a ferry for the term of fifteen years;" and "An act directing the Treasurer of this State to pay the Constable of the town of Newhaven for the year 1798, the sum therein mentioned;" which were severally read and considered, and it was Resolved, To concur in passing the said bills respectively into laws.

A bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled 'An act regulating Marriage and Divorce,' passed 23 Feb<sup>r</sup>. 1797," was sent up for revision &c. and being read was amended and Resolved, To concur in passing the said bill into a law, with the amendments accompanying the same, and M<sup>r</sup>. Chamberlain appointed to inform the house of the reasons of Council for the same.

Resolved, That M<sup>r</sup>. Miller make out the Debenture for the present session.

M<sup>r</sup>. Gallup, from the house of Representatives, returned the bill, which originated in Council, Entitled "An act establishing a Corporation by the name of the Connecticut River Turnpike Company," concurred by the house with a proposal of amendment, to insert after the word "Gristmill" in the 29<sup>th</sup> line of the 7<sup>th</sup> Section, the words "or saw-mill," and after stating the reasons of the house for the same he withdrew. The said amendment being read, Resolved, to concur in the same, and Ordered, that the Secretary acquaint the house therewith.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act enabling William Thorpe, a subject of the British Crown, to hold certain lands within this State;" and "An act for the purpose of establishing an academy at Montpelier in the County of Caledonia," and the said bills being severally read and considered, Resolved, To concur in passing them respectively into laws.

The Council adjourned to 9 O'clock tomorrow morning.

FRIDAY, November 7, 1800, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolution was received from the house:

"In General Assembly Nov. 6, 1800.

Resolved, that the Governor and Council be requested to meet the house of Representatives, in the Representatives' room, at the opening of the house tomorrow morning the 7<sup>th</sup> Inst in grand Committee, for the purpose of electing a Chief Judge of the County Court for the County of Rutland, to supply the vacancy occasioned by the death of the late Samuel Williams Esquire, also to elect a Chief Judge of the County Court of the County of Orleans, to supply the vacancy occasioned by the resignation of John Ellsworth Esq<sup>r</sup>. Extract from the Journals.

Attest NATHAN OSGOOD Clerk."

And the same being read, Resolved, not to concur therein, and Mr. Spencer appointed to wait on the house and inform that body of the reasons of Council for such nonconcurrence.

A bill, passed in the house of Representatives, entitled "An act suspending civil prosecutions against Jabez Rogers Ju<sup>r</sup> of Middlebury in the County of Addison and State of Vermont, for the term of five years," was sent up for revision &c. and being read, Resolved, To concur in passing the said Bill into a law.

A bill, passed in the house of Representatives, Entitled "An act authorizing Benjamin Swan, Treasurer of this State, to prosecute all suits now pending, in the name of Samuel Matlocks as Treasurer," was sent up for revision &c. and being read, was amended & then Resolved, To concur in passing the same as amended, and Mr. Jacob appointed to inform the house of the reasons of Council in proposing the said amendments.

On motion of Mr. Jacob, Resolved, The house of Representatives concurring therein, that the Governor and Council meet in Committee with the house of Representatives in the Representatives' room at 2 O'clock, to appoint a Judge of Probate for the district of Manchester for the year ensuing in the room of Truman Squier Esq<sup>r</sup>. who has declined accepting the appointment. Ordered, That the same be transmitted to the house by the Secretary.

The above resolution was returned from the house concurred.

On motion of Mr. Galusha, Resolved, The General Assembly concurring therein, that Mr. Jacob & Galusha join a Committee from the house to take under their consideration the propriety of directing by law the mode and manner of filling vacancies that may happen in the offices of the Supreme and County Courts and Probate Courts, Sheriffs, and Justices of the Peace, when the legislature shall be in session, and report by bill or otherwise.

The following Bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act empowering Asa Woods and Ruel Sherman, Collectors of Road Taxes, to record their proceedings," and "An act in addition to an act Entitled 'an act reducing into one the several acts for laying out, making, repairing and clearing highways,'" and the said bills being severally read, Resolved, To concur with the house in passing them respectively into Laws.

Mr. James Fisk, member of the house, returned to the Council the bill Entitled "An act giving leave to John D. Nelson to raise by lottery the sum of one Thousand dollars," to which the Council had made proposals of amendment, and informed the Council that the house had nonconcurred in adopting them, and after assigning the reasons, he laid the said bill on the table and withdrew, whereupon Resolved, That the

passage of the said bill be suspended untill the next Session of the Legislature, and Ordered that the Secretary return the same to the house and inform them thereof.

M<sup>r</sup>. Miller reported the debenture of the L<sup>t</sup> Governor & Council, which was read and accepted as follows: N. B.—No copy of Debenture among the papers of Council.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The resolution of Council relating to the propriety of directing by law the manner of filling vacancies in certain offices, was returned from the house nonconcurrent, by M<sup>r</sup>. Chipman, & after stating the reasons of the house for such nonconcurrence, he withdrew.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act making appropriations for the support of government the present session and from thence to the session of the general assembly in October 1801 and for other purposes," and "An act repealing an act Entitled 'An act assessing a tax of one Cent on the dollar on the list of [the year] 1800,' passed this present session, and for laying a tax of one cent on the dollar on the list of the year 1800," and the said bills being severally read, Resolved, To concur in passing them into laws respectively.

On motion of M<sup>r</sup>. Galusha, he had leave to introduce a bill Entitled "An act in addition to and alteration of an act Entitled 'An act directing the Collectors of land-taxes in their office and duty,' passed 3 Nov. 1799," and the said bill being read, Resolved, That it pass, and Ordered that it be engrossed and sent to the house for their revision &c.

M<sup>r</sup>. El<sup>a</sup>. Keyes communicated to the Council the disposition of the house to rise.

A bill, passed in the house of Representatives, Entitled "An act in addition to an act constituting the supreme Court of Judicature & County Courts, defining their power and regulating their judicial proceedings," was sent up for revision &c. & being read Resolved, the General Assembly concurring therein, that the said [bill] be laid over for the consideration of the next Session of the Legislature, & M<sup>r</sup>. Jacob requested to inform the house of the same, with the reasons of Council.

Resolved, That his Excellency the Governor be requested to issue his Proclamation appointing the last Wednesday of April next to be observed as a day of public humiliation, fasting and prayer throughout this State, if the President of the United States should not appoint a day for that purpose, and in that case, on that day.

Resolved, The house of Representatives concurring therein, that the Governor and Council do immediately meet the house of Representatives, in the Representatives' room, for the purpose of adjourning the present session of the Legislature. Ordered, That the Secretary carry the above to the house.

The said Resolution was returned from the house concurred, and the Governor & Council immediately proceeded to the Representatives' room, and after an appropriate prayer by the Chaplain, M<sup>r</sup>. Attwater, both branches of the legislature were adjourned without day, and public proclamation thereof was made by John Chipman Esquire Sheriff of the County of Addison.

A true Journal.

Attest

[RICHARD WHITNEY,] *Secretary.*

## RECORD OF THE GOVERNOR AND COUNCIL

AT A

SPECIAL SESSION CONVENED AT WINDSOR, MAY 26 1801.

## STATE OF VERMONT.

At a special meeting of his Excellency the Governor and Council, convened at Windsor, within and for said State, pursuant to notice from the Governor, on Tuesday the twenty sixth day of May, in the year of our Lord one thousand eight hundred and one, and of the Independence of the United States the Twenty fifth, for the purpose of supplying the Vacancy in the Office of Judge of Probate for the District of Hartford, occasioned by the death of William Perry Esq<sup>r</sup> late Judge of Probate for said District—Present His Excellency Isaac Tichenor, Esq<sup>r</sup> Governor, His Honor Paul Brigham, Esq<sup>r</sup> L<sup>t</sup> Governor, of the Council The Hon<sup>l</sup> Samuel Safford, Jonas Galusha, Abel Spencer, Stephen Jacob, Elijah Robinson & Benjamin Burt Esquires. Richard Whitney, *Secretary*.

A Quorum having convened, The Council adjourned until 7 O'clock tomorrow morning.

WINDSOR 27 May 1801, 7 O'clock A. M.

The Council met pursuant to adjournment.

The ballots being taken for a Judge of Probate to supply the Vacancy occasioned in said office, in the District of Hartford, by the death of William Perry Esq<sup>r</sup> late Judge of Probate in said District, and examined, The hon<sup>ble</sup> Paul Brigham had a majority of all the votes, and was declared duly elected, and commissioned accordingly.

Resolved, That the Debuture of Council be allowed as follows:

	Travel.	Amt. of Travel.	Days of Attend'ce	Amt. of Attend'ce	Whole Amt.
Paul Brigham Esq <sup>r</sup> L <sup>t</sup> Governor	20	\$2.40	2	\$8.00	\$10.40
Samuel Safford	90	10.80	2	3. "	13.80
Jonas Galusha	80	9.60	2	3. "	12.60
Abel Spencer	45	5.40	2	3. "	8.40
Stephen Jacob	1	12	2	3. "	3.12
Elijah Robinson	10	1.20	2	3. "	4.20
Benjamin Burt	25	3. "	2	3. "	6. "
Richard Whitney Secretary	50	6. "	2	5. "	11. "
Also Resolved, That there be allowed to Mr. Joseph Pettis, for the use of his house					2. "
					<hr/> \$71.52

The Council then adjourned without day.

A True Journal.

Attest [RICHARD WHITNEY,] *Secretary*.

# TWENTY-FIFTH COUNCIL.

OCTOBER 1801 TO OCTOBER 1802.

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ISAAC TICHENOR, Bennington, *Governor*.

PAUL BRIGHAM, Norwich, *Lieut. Governor*.

## *Councillors:*

SAMUEL SAFFORD, Bennington,

JOHN STRONG, Addison,

EBENEZER MARVIN, Franklin,

ELIJAH ROBINSON, Weathersfield,

WM. CHAMBERLAIN, Peacham,

JONAS GALUSHA, Shaftsbury,

JOHN WHITE, Georgia,

STEPHEN JACOB, Windsor,<sup>1</sup>

SOLOMON MILLER, Williston,

ELISHA ALLIS, Brookfield,

NOAH CHITTENDEN, Jericho,

BERIAH LOOMIS, Thetford,

ELIAKIM SPOONER, Westminster.\*

RICHARD WHITNEY, Guilford, *Secretary*.

JOSIAH EDSON, Randolph, *Sheriff*.

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## BIOGRAPHICAL NOTICES.

NOAH CHITTENDEN, oldest son of Gov. Thomas Chittenden, was born in Salisbury, Conn., in 1753. He came to Vermont with his father, in 1784 removed from Arlington to Cambridge, and previous to 1795 from that town to Jericho. He represented Jericho in 1796, and from 1812 until 1815; was Sheriff of Addison county, (then extending to Canada line,) in 1785, and of Chittenden county 1787 until 1790; Assistant Judge of Chittenden county court 1804 until 1811, and Judge of Probate in 1811. He was Councillor 1801 until 1812. He married a daughter of Hon. John Fassett, and had Thomas, who removed to Ohio; and Hannah, who married Hon. Truman Galusha.—*Vt. Hist. Magazine*, Vols. I and II; and Deming's *Catalogue*.

BERIAH LOOMIS represented Thetford 1782 until 1786, 1787 until 1790, and in 1817; was Councillor 1801 until 1808, and 1809 until 1814; Assistant Judge of Orange County Court 1797 until 1812, and 1813 until 1818; and a member of the Constitutional Convention of 1791. Among his sons were the late Hon. Jeduthun Loomis of Montpelier, and Col. Gustavus Loomis of the U. S. army.

ELIAKIM SPOONER represented Westminster in 1793, '4, and '5; and was Councillor from Oct. 17 1801 until 1808.—Deming's *Catalogue*.

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<sup>1</sup> Resigned, Oct. 16, on accepting the office of judge of the supreme court.

\* Appointed Oct. 17, in place of Stephen Jacob resigned.

## RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY AT NEWBURY  
OCT. 1801.

## STATE OF VERMONT SS.

A Journal of the proceedings of the Governor and Council of the State of Vermont, at their session begun and held at Newbury, within and for said state, on the second Thursday of October, being the eighth day of said month, in the year of our Lord one Thousand eight hundred and one, pursuant to the Constitution and Resolves of said State. Present, His Excellency Isaac Tichenor Esquire, Governor—His Honor Paul Brigham Esquire L<sup>t</sup> Governor,—of the Council, The Hon<sup>ble</sup> Elisha Allis, Benjamin Burt, William Chamberlain, Jonas Galusha, Stephen Jacob, Ebenezer Marvin, Solomon Miller, Elijah Robinson, John Strong, Samuel Safford, and Abel Spencer Esquires. Richard Whitney *Secretary*. Josiah Edson Esquire *Sheriff of the County of Orange*.

Resolved, That a Committee of eight Members be appointed, jointly with such Committee as may be chosen by the house of Representatives, to receive, sort and count the Votes for Governor, L<sup>t</sup> Governor, Treasurer and Councillors for the year ensuing—Members chosen, M<sup>r</sup> Robinson, M<sup>r</sup> Spencer, M<sup>r</sup> Marvin, M<sup>r</sup> Chamberlain, M<sup>r</sup> Allis, M<sup>r</sup> Galusha, M<sup>r</sup> Burt and M<sup>r</sup> Miller, who were severally sworn to the faithful discharge of their trust. Ordered, That the Secretary carry said resolution to the house.

Adjourned to 5 O'clock P. M.<sup>1</sup>

5 O'CLOCK P. M.

The Governor and Council convened, and on motion, proceeded to the house of Representatives, when the two houses united in joint Committee and the following report was handed in by Ebenezer Marvin, Esquire:

"To the hon<sup>ble</sup> General Assembly of the State of Vermont now sitting, Your Committee appointed to receive, sort and count the votes for Governor, L<sup>t</sup> Governor, Treasurer and Councillors for the year ensuing, report as follows: That Isaac Tichenor is elected Governor, Paul Brigham L<sup>t</sup> Governor, Benjamin Swan Treasurer, and that Samuel Safford, Jonas Galusha, William Chamberlain, Solomon Miller, Stephen Jacob, Ebenezer Marvin, Elijah Robinson, John Strong, Elisha Allis, Noah Chittenden, John White, and Beriah Loomis are elected Councillors. Which is respectfully submitted. EBEN<sup>r</sup>. MARVIN for Com<sup>r</sup>.  
Newbury Oct. 8<sup>th</sup> 1801."

The same being read, Josiah Edson Esq<sup>r</sup> Sheriff of the County of Orange, by public proclamation, declared said officers duly elected to the offices annexed to the names, respectively, by the suffrages of the Freemen. The Council then returned to their Chamber and Adjourned to 10 O'clock tomorrow morning.

<sup>1</sup> The election sermon was by Rev. Nathaniel Lambert of Newbury.

FRIDAY, October 9<sup>th</sup> 1801, 10 O'clock A. M.

The Council met pursuant to adjournment.

Ordered, That the Secretary issue letters of Notice to the new Councillors of the following tenor:

NEWBURY 9<sup>th</sup> October 1801.

Sir—By the report of the Committee appointed to receive, sort and count the votes for Governor, L<sup>t</sup> Governor, Treasurer, and Councillors for the year ensuing, you have been duly elected a Councillor and as such have been declared. You will therefore be pleased to join the Council, as a member, as soon as possible after receiving this notice.

By direction of His Excellency & the hon<sup>ble</sup> Council, I am &c.

RICH<sup>d</sup>. WHITNEY Sec<sup>y</sup>.

On motion, Resolved, The rules of Council adopted the last Session be the rules of Council the present session.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following resolution was received from the house by Mr. Hay:

"In General Assembly Oct. 9, 1801.

Resolved, the Governor and Council concurring therein, That the members of both houses meet in County Conventions at three O'clock this afternoon for the purpose of making nominations for the County officers for the respective Counties: and that both houses meet tomorrow morning for the purpose of receiving such nominations and acting thereon—And that Mr. Hay be requested to carry up this resolution and inform the Governor and Council of the reasons for passing the same.

Extract from the Journals. Att. THO<sup>s</sup>. TOLMAN *Clerk pro tem.*"

And Mr. Hay, after assigning the reasons of the house, withdrew.

The same being read, Resolved, That the Governor and Council do concur in passing the same. Ordered, That the Secretary inform the house of the said Concurrence.

Mr. Robinson, member of the house of Representatives, appeared in Council and informed them that the house was organized and ready to receive any communications which his Excellency the Governor should be pleased to make.

Ordered, That the Secretary acquaint the house of Representatives that his Excellency, accompanied by the Council, will, unless differently instructed, immediately wait on the house of Representatives, in their room, take the necessary oaths and make his communications.

Accordingly, the Governor, with the Council, proceeded to the Representatives' room, and, after taking the necessary oaths, with the L<sup>t</sup> Governor and Council, he delivered the following speech to both branches of the Legislature. [For speech see *Appendix J.*]

The Governor and Council then returned to their chamber and commenced the consideration of business.

A petition from W<sup>m</sup>. C. Harrington and others, praying for a tax of six cents on each acre of land in Burlington, public rights excepted, was sent up from the house with this order thereon:

"In General Assembly Oct. 9, 1801.

Read & referred to Mess<sup>rs</sup>. Ormsby, Allen, Shaw, A. Stevens, Painter, Jon<sup>s</sup>. Fiske, B. Harrington, Cahoon, Farnsworth, Crafts & Wetherbee, to join a Committee from Council, state facts &c.

Attest THO<sup>s</sup>. TOLMAN *Clerk pro tem.*"

And the same being read, Resolved, That Mr. White do join the afores<sup>d</sup>. Committee.

Adjourned to 9 O'clock Tomorrow morning.

SATURDAY October 10<sup>th</sup> 1801, 9 O'clock A. M.

The Governor and Council met pursuant to adjournment, proceeded to the house of Representatives, and after prayer, united in joint Committee agreeably to the concurrent resolution of yesterday, relative to the several County nominations. On motion, Resolved, That when the two branches of the legislature shall meet in joint Committee, that his Excellency the Governor, & in his absence the Lt Governor, shall be chairman of such Committee, and that the Secretary of State, and in his absence the Secretary of the Governor and Council, shall be Clerk of such Committee. His Excellency accordingly took the Chair—Roswell Hopkins Secretary of State, Clerk. The joint Committee then acted on the respective County nominations as reported by the County Conventions, and adjourned until Tuesday morning at the opening of the house. The Governor and Council then returned to their Chamber, and adjourned until 10 O'clock on Monday morning.

MONDAY, October 12<sup>th</sup> 1801, 10 O'clock A. M.

The Council met pursuant to adjournment.

Resolved, The house of Representatives concurring therein, that the house meet the Governor and Council in joint Committee in the Representatives' Room, at the opening of the house this afternoon, to elect a Brigadier General to supply the vacancy occasioned by the resignation of David Erwin, late Brigadier General of the second Brigade in the second Division of the Militia of this State, which resignation has been duly accepted by his Excellency. Ordered, That the above be transmitted to the house by the Secretary.

On motion of Mr. Jacob, Resolved, That the Debenture of Mr. Spencer and Mr. Burt, late members of Council, be made up as follows: Mr. Spencer 80 miles Travel 9.60, 2 Dys attendance 3.00, \$12.60; Mr. Burt, 80 miles Travel 9.60, 2 Dys attendance 3.00, 12.60—\$25.20.

The following resolution was received from the house:

"In General Assembly Oct. 12, 1801.

Resolved, the Governor and Council concurring therein, that at the opening of the house this afternoon the Grand Committee meet for the purpose of appointing Judges of the Supreme Court. Extract from the Journals.

Attest JA<sup>s</sup> ELLIOT Clerk."

The same being read, Resolved, That the Governor and Council do concur therein. Ordered, That the Secretary acquaint the house therewith.

The resolution passed this day by Council, relative to the appointment of a Brigadier General, was returned from the house concurred.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The Governor and Council met the house of Representatives in joint Committee pursuant to the Concurrent resolutions of both houses—And the ballots being taken and examined, Colonel Elisha Averill was elected Brigadier General of the 2<sup>d</sup> Brigade in the 2<sup>d</sup> Division of the Militia of this State. The ballots being taken and examined for Judges of the Supreme Court, Israel Smith Esquire was elected Chief Judge, and Royall Tyler and Stephen Jacob Esquires, Assistant Judges. The joint Committee then dissolved, and the Governor and Council returned to their Chamber.

Benjamin Swan Esquire, Treasurer of the State, produced his bonds, and the sureties being approved, the Governor administered to him the necessary oaths.

The Council Adjourned to 9 O'clock Tomorrow morning.



TUESDAY, October 13<sup>th</sup> 1801, 9 O'clock A. M.

The Governor & Council met pursuant to adjournment, & met the house of Representatives in joint Committee for the purpose of completing the County Elections agreeably to their adjournment, and after making progress thereon, the said Committee adjourned untill the opening of the house tomorrow morning, and the Council returned to their Chamber.

His Excellency laid before the Council sundry papers relative to the grant of a certain Gore made to James Anderson & Company, and a request to have the Charter issued—whereupon, Resolved, That M<sup>r</sup> Strong and M<sup>r</sup> Safford be a Committee to examine the old records relative to the Grant of said Gore and report their opinion to the Council.

The following resolution was rec<sup>d</sup>. from the house :

“In General Assembly Oct. 12, 1801.

Resolved, that a Committee consisting of a Member from each County be appointed to take under consideration the expediency of passing a law corresponding with the 33<sup>d</sup> Section of the Constitution of this State, to join a Committee from Council. Members chosen,—Mess<sup>rs</sup> Ormsby, Shafter, Chipman, Stevens, Fuller, Hatch, Buel, Wing, Jones, Hinman, and Dana. Ordered that this Committee report on Thursday morning next. Extract from the Journals. Attest JA<sup>s</sup> ELLIOT Clerk.”

The same being read Resolved, That M<sup>r</sup> Robinson join the aforesaid Committee.

The following resolution was received from the house :

“In General Assembly Oct. 12<sup>th</sup> 1801.

On motion, Ordered, that a Committee consisting of a member from each County be appointed to examine the expediency of erecting a work house to join a Committee from Council to report by bill or otherwise. Members chosen—Mess<sup>rs</sup> Robinson, Roberts, Flagg, Leland, Tarbox, Painter, Lord, Bottom, Chapin, Sheldon & Wetherbee. Extract from the Journals. Attest JA<sup>s</sup> ELLIOT Clerk.”

The same being read, Ordered, That M<sup>r</sup> Marvin and M<sup>r</sup> Miller join the aforesaid Committee.

The following order was received from the house of Representatives :

“In General Assembly Oct. 12, 1801.

A petition from North Hero, another from South Hero and Middle Hero, another from Alburgh, and the fourth from the Isle of Motte, all praying for a new County, were referred to Mes<sup>rs</sup> Wright, Roberts, T. Harrington, Spooner, Rich, Jon<sup>s</sup> Fisk, Dunbar, Stanley & Williams, to join a Committee from Council. Extract from the Journals.

Attest JA<sup>s</sup> ELLIOT Clerk.”

The same, with the several petitions alluded to, being read, Ordered, That M<sup>r</sup> Loomis join the aforesaid Committee.

A petition from Daniel Cameron, praying for a suspension of all civil prosecutions against him for the term of six years, was sent up from the house of Representatives with this order thereon :

“In General Assembly Oct. 12, 1801.

Read and referred to M<sup>r</sup> Theophilus Harrington, M<sup>r</sup> Richards and M<sup>r</sup> Olin. On motion added M<sup>r</sup> Shafter and M<sup>r</sup> Ormsby, to join a Committee from Council, state facts &c. Attest JA<sup>s</sup> ELLIOT, Clerk.”

And the same being read, Ordered, That M<sup>r</sup> Galusha join the aforesaid Committee.

The Petition of Nathaniel Brown Dodge, praying for an act suspending all civil prosecutions against him for the term of six years, was received from the house with this order thereon :

"In General Assembly Oct. 12, 1801.

Read and referred to the Committee on the Petition of Daniel Cameron.  
Attest JAS<sup>d</sup> ELLIOT Clerk."

And the same being read, Resolved, To concur therein.

The Petitions of William Fuller, Enos Kellogg and Samuel Scott, praying for acts to suspend civil prosecutions against them for certain times therein mentioned, were sent up from the house of Representatives with this order on each :

"In General Assembly Oct. 12, 1801.

Read and referred to the Committee on the Petition of Daniel Cameron.  
Attest JAS<sup>d</sup> ELLIOT Clerk."

And the same being read, Resolved, To concur in the reference of the house thereon respectively.

The Petition of Jacob Bayley, Jesse Leavensworth and their associates praying that the Charter of Danville may be declared null, and that the Governor may be directed to issue a new one conformably to the true intent and meaning of the original Grant, was sent up with this order of the house thereon :

"In General Assembly Oct. 12, 1801.

Read and referred to Mess<sup>rs</sup> Linsley, Theo<sup>s</sup> Harrington, Wing, Olcott, and Hinman, to join, state facts &c. together with a remonstrance to said Petition.  
Attest JAS<sup>d</sup> ELLIOT Clerk."

And the same being read, Ordered, That Mr<sup>r</sup> Allis join the aforesaid Committee.

A petition from John Ellsworth and others, praying that the Legislature will appoint and authorize a Judicious Committee to survey a County Road to lead from Newbury and extend at least as far as the termination of the road laid from Danville Court house to Greensboro' by the direction of a former statute, was sent up from the house of Representatives with this order thereon :

"In General Assembly Oct. 12, 1801.

Read and referred to Mr<sup>r</sup> Buel, Mr<sup>r</sup> Sanderson, Mr<sup>r</sup> Butler, Mr<sup>r</sup> Veal, [Vail,] & Mr<sup>r</sup> Dunbar, to join a Committee from Council, state facts &c.  
Attest JAMES ELLIOT Clerk."

And the same being read, Ordered, That Mr<sup>r</sup> Chamberlain join the aforesaid Committee.

A petition from Daniel Steward and others, praying for an alteration in the Militia law so that the numerous train of Exempts may no longer be excused from Military duty, was sent up with this order of the house thereon, viz.

"In General Assembly Oct. 12, 1801.

Read and referred to Mr<sup>r</sup> Wright, Mr<sup>r</sup> Hunt, Mr<sup>r</sup> Hammond, Mr<sup>r</sup> Elias Keyes, Mr<sup>r</sup> Rich, Mr<sup>r</sup> Hatch, Mr<sup>r</sup> Wait, Mr<sup>r</sup> Elkins, Mr<sup>r</sup> Janes, Mr<sup>r</sup> Hinman and Mr<sup>r</sup> Beach, to join a Committee from Council to examine the Militia law.  
Attest JAS<sup>d</sup> ELLIOT Clerk."

The same being read, Ordered, That the L<sup>t</sup> Governor join the aforesaid Committee.

A petition from Ephraim Pelton, praying for a new trial in a certain case against Samuel Boardman, was sent up from the house with this order thereon :

"In General Assembly, Oct. 10, 1801.

Read and referred to a Committee of one member from each County, to join a Committee from Council, to state facts &c. Members chosen, Mess<sup>rs</sup> Wright, Henry, Chipman, Strong, Linsley, Niles, B. Harrington, Wing, Farnsworth, Stanley and Dana.

Attest THO<sup>s</sup> TOLMAN Clk. pro tem."

And the same being read, Ordered, That Mr. Loomis join the aforesaid Committee.

The petition of John W. Dana and others, relative to the grant of Turnpikes, was sent up with [this] order of the house thereon:

"In General Assembly Oct. 10, 1801.

Read and referred to Mr. Wheelock, Mr. Baker, Mr. Spooner, Mr. Chipman, Mr. Ja<sup>s</sup> Fiske, Mr. Burnham, Mr. Elkins, Mr. El<sup>m</sup> Keyes, Mr. Hinman, Mr. Janes and Mr. Beach to join a Committee from Council.

Attest JA<sup>s</sup> ELLIOT Clerk."

And the same being read, Ordered, That Mr. Miller join the aforesaid Committee.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

Resolved, The house of Representatives concurring therein, That the Governor and Council and house of Representatives, in their respective houses, proceed at ten O'clock tomorrow morning to ballot for a person as a Senator to represent this State in the Congress of the United States, to supply the vacancy occasioned by the resignation of the hon<sup>ble</sup> Elijah Paine Esquire: and, immediately, that both houses convene in joint Committee and compare the proceedings of both houses and declare the person, if any, duly elected; and if no person is elected agreeably to law, to proceed by joint ballot to elect a Senator to represent this State in the Congress of the United States.

The Council adjourned untill 9 O'clock Tomorrow morning.

WEDNESDAY, October 14, 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

The resolution passed yesterday, relative to the election of a Senator, was returned from the house *nonconcurrent*. Mr. Robinson, who brought up said resolution, after stating the reasons of the house for such non-concurrence, withdrew.

The Governor and Council met the house of Representatives in their room pursuant to adjournment, in joint Committee, for the purpose of completing the County Elections, and after some progress therein the Committee adjourned untill the opening of the house on Friday morning next, and the Governor and Council returned to their Chamber.

Resolved, The house of Representatives concurring therein, that the Governor and Council and General Assembly, in their respective houses, at two O'clock this afternoon, proceed to ballot for a Senator, to represent this State in the Congress of the United States, to supply the vacancy occasioned by the resignation of the hon<sup>ble</sup> Elijah Paine. And, immediately thereafter, that both houses shall convene in joint Committee in the Representatives' Room and compare the proceedings of the several houses, and declare the person, if any, duly elected, and if no person shall be elected, to proceed by joint ballot to elect a person as Senator to represent this State in the Congress of the United States, agreeably to law.

The above resolution was returned from the house concurred.

The following resolution was sent up from the house:

"In General Assembly Oct. 14, 1801.

On motion, A Committee consisting of five members, to join such Committee as the Council may appoint, was appointed to take into consideration the act for the support of the Gospel, and report whether any, and, if any, what amendments and alterations thereof may be necessary.

Members Chosen, Mr. Leland, Mr. Ja<sup>s</sup> Fisk, Mr. Lyon, Mr. Butler and Mr. Rich. Extract from the Journals.

Attest JA<sup>s</sup> ELLIOT, Clerk."

And the same being read, Ordered, That Mr. Galusha and Mr. Marvin join the afores<sup>d</sup> Committee.

The following resolution was sent up from the house:

"In General Assembly Oct. 13, 1801.

On motion, a Committee consisting of a member from each County, to join such Committee as the Council may appoint, was appointed to enquire whether any and what alterations and amendments are necessary in the "act defining what shall be deemed and adjudged a legal settlement; and for the support of the poor; for designating the duties and powers of the overseers of the poor, and for the punishment of idle and disorderly persons." Members chosen, Mr. Clark. Mr. Wright, Mr. Spooner, Mr. T. Harrington, Mr. Ja<sup>s</sup> Fisk, Mr. Linsley, Mr. Wing, Mr. B. Harrington, Mr. Stanley, Mr. Pomeroy and Mr. De Forrest. Extract from the Journals.

Attest JA<sup>s</sup> ELLIOT, Clerk."

And the same being read, Ordered, That Mr. Safford join the aforesaid Committee.

The following resolution was sent up from the house:

"In General Assembly Oct. 13, 1801.

On motion, A Committee was appointed consisting of a member of each County, to join such Committee as the Council may appoint, to be denominated the Second land tax Committee. Members chosen, Mr. Blake, Mr. Jos. Clark, Mr. Crane, Mr. Emmons, Mr. Ferguson, Mr. Goodale, Mr. Lyon, Mr. Bliss, Mr. Larabee, Mr. Chapin and Mr. Williams. Extract from the Journals. Att.

JA<sup>s</sup> ELLIOT, Clerk."

And the same being read, Ordered, That Mr. Strong do join the aforesaid Committee.

The following resolution was sent up from the house:

"In General Assembly Oct. 13, 1801.

A Committee was appointed, consisting of one member from each county, to join such Committee as the Council may appoint, to be denominated the Third land Tax Committee. Members Chosen, Mr. Taylor, Mr. Bradley, Mr. Prentiss, Mr. Marsh. Mr. Wheatley, Mr. Wright, Mr. Vincent, Mr. Law, Mr. Stanley, Mr. Dana and Mr. Sheldon. Extract from the Journals.

Attest JA<sup>s</sup> ELLIOT, Clerk."

And the same being read, Ordered, That Mr. Robinson join the aforesaid Committee.

Petitions from a large number of the Citizens of Massachusetts, Connecticut, New Hampshire, and this State, praying for the repeal of an act Entitled "An act relating to Pine and other timber floating in Connecticut River or lodged on its Shores," passed in the last session, or that relief might be given in the premises, was sent up from the house with this order thereon:

"In General Assembly Oct. 14, 1801.

Read and referred to Mr. Chipman, Mr. Shaw, Mr. David Sheldon, Mr. Crafts, and Mr. Law, to join such Committee as the Council may appoint, to take into consideration said petition and the act therein referred to, state facts, and make report.

Attest JA<sup>s</sup> ELLIOT Clerk."

The said petition being read, Ordered, That Mr. Chamberlain do join the aforesaid Committee.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

On motion, Ordered, That the Secretary acquaint the house of Representatives that the Council are now ready to proceed to ballot for a

Senator to represent this State in the Congress of the United States, agreeably to the concurrent resolution of both houses.

Mr. Witherell, member of the house of Representatives, informed the Council that the house will proceed to ballot for a Senator in the course of fifteen minutes, and he withdrew.

The fifteen Minutes having expired, on motion, Resolved, That the Council do now proceed to ballot for a Senator agreeably to the concurrent resolution of both houses. And the ballots being taken and examined, The hon'ble William Chamberlin Esquire had a majority of the whole number of Votes, and was declared duly elected on the part of the Governor and Council.

Mr. Robinson, member of the house, appeared in the Council Chamber and delivered this message:

"May it please your Excellency, I am directed to acquaint your Excellency and the hon'ble Council That the house of Representatives have completed on their part, by ballot, the election of a Senator, agreeably to the concurrent resolution of both houses, and are now ready to meet the Governor and Council in joint Committee to compare their different nominations — and he withdrew.

Whereupon, the Governor and Council immediately proceeded to the Representatives' Room, and met that house in joint Committee, when the proceedings of the Council on that subject were read, and, also, the following proceedings of the house of Representatives, viz.

"In General Assembly Oct. 14, 1801.

On motion, Resolved, That this house will now proceed to ballot for a Senator to represent this State in the Congress of the United States, in the room of the hon'ble Elijah Paine Esqr. agreeably to the concurrent resolution of the Governor and Council and General Assembly of this day. The ballots being taken, it appeared that the hon'ble Stephen R. Bradley Esqr. had a majority of all the votes as a Senator in Congress in the room of the hon'ble Elijah Paine Esqr. and [he] was declared duly elected on the part of this house, and, on motion, Mr. Robinson was directed to inform the Governor & Council of this nomination."

It appearing from the above proceedings of both houses that they had not united in the same person, Resolved, That the joint Committee do now proceed, by ballot, to elect a person for the purpose aforesaid, and the ballots being taken and examined, The hon'ble Stephen R. Bradley Esquire had a majority of all the Votes of said Committee—When Josiah Edson Esquire, Sheriff of the County of Orange, by public proclamation, declared the said Stephen R. Bradley duly elected a Senator to represent this State in the Congress of the United States, to supply the vacancy occasioned by the resignation of the hon'ble Elijah Paine Esquire. The joint Committee then dissolved, and the Governor and Council returned to their Chamber and adjourned until 9 O'clock Tomorrow morning.

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THURSDAY, October 15, 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill passed in the house of Representatives Entitled "An act in addition to an act Entitled 'An act granting the right of making a Turnpike road from Brookfield to Onion River to Elijah Paine, his heirs and Assigns,'" was sent up for revision and concurrence or proposals of amendment, and being read, Resolved, to concur with the house in passing the said bill into a Law.

The Petition of Simeon Riley, praying that all civil prosecutions against him may be suspended for five years, was received from the house with this order thereon :

“ In General Assembly Oct. 13, 1801.

Read and referred to the Committee on the Petition of Daniel Cameron, to state facts &c. Attest JAMES ELLIOT Clerk.”

Resolved, To concur in the said reference.

Mr. Strong, from the Committee appointed on the papers laid before the Council by his Excellency relative to the Grant of a certain gore of land made to James Anderson and Company, reported That, having examined the records of the Governor and Council, they find the following resolution, viz.

“Resolved, That each Proprietor of the Gore of land, granted to James Anderson and Company, ten in number, pay six pounds lawful money granting fee, to be paid by the first day of January next. Manchester Oct. 17, 1782.”

Which report was read and accepted, whereupon Resolved, That his Excellency the Governor be and he hereby is advised by Council to issue a charter of said Gore of land in due form agreeably to the return and survey of the Surveyor General.

The hon'ble Royall Tyler Esqr. appeared in the Council Chamber, signified his acceptance of the office of Assistant Judge of the Supreme Court, and the oaths prescribed by law were administered to him by the Governor.

A Petition from Aaron Elliot, praying that an act may be passed, granting to him the exclusive right of manufacturing Crawley and blistered Steel in the State of Vermont, and that he will manufacture thirty Tons per year of as good a quality as any made in the United States, was sent up from the house with this order thereon :

“In General Assembly Oct. 14, 1801.

Read and referred to Mr. Watkins, Mr. Hunt, Mr. Chipman, Mr. Cleaveland, Mr. Rich, Mr. Tarbox, Mr. Hay, Mr. Wing, Mr. Sheldon, Mr. Strong, and Mr. Weatherbee, to join such Committee as the Council shall appoint, to state facts & make report.

Attest JAS. ELLIOT, Clerk.”

And the same being read, Ordered, That Mr. White and Mr. Allis join the aforesaid Committee.

The Petition of Timothy Bartholomew in behalf of the proprietors of Thetford, praying the Legislature to pass an act empowering them to compleat a survey of said township, to make a plan thereof, to vote to each proprietor such share of land as he hath already pitched not exceeding the quantity to a right, or to any or all the settlers the lots by them taken up by virtue of a purchase from said Proprietors—And in general, to make legal all proceedings of said proprietors which do not appear to be inconsistent with the constitution and laws of this State, and further to empower them to compleat a division of all the lands in said Township to and among the proprietors in proportion to their several shares, either by voting them to the same, or by allowing them to draught or pitch the same, was sent up from the house with this order thereon:

“ In General Assembly Oct. 14<sup>th</sup>. 1801.

Read and referred to Mr. Wait, Mr. Shaw, and Mr. Hatch, to join a Committee from Council, to state facts &c.

Attest JAS. ELLIOT Clerk.”

And the same being read, Ordered, That the L<sup>t</sup> Governor join the aforesaid Committee.

A bill, passed in the house of Representatives, Entitled “An act

establishing the Goal in the County of Franklin a Prison for receiving and safe keeping Prisoners committed under the authority of the United States," was sent up for revision and concurrence or proposals of amendment, and the same being read, Ordered, That it be referred to Mr. Marvin and Mr. White to report thereon.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The Committee on the bill Entitled "An act establishing the Goal in the County of Franklin a prison for receiving and safe keeping Prisoners committed under the Authority of the United States," reported the same with amendments, which report was accepted, and the bill being read as amended, Resolved, To concur in passing the said bill, with the amendments accompanying the same, to be inserted after the word "receive" in the 2<sup>nd</sup>. line of the 2<sup>nd</sup>. Section, and the residue of said Section be erased.

The Council adjourned untill 9 O'clock Tomorrow morning.

FRIDAY, October 16<sup>th</sup>. 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Governor and Council proceeded to the house of Representatives and met that body in joint Committee, agreeably to adjournment, for the purpose of completing the elections of the County officers, and after progress made therein, the Committee adjourned untill the opening of the house on Wednesday morning next, and the Governor and Council returned to their Chamber.

A Petition praying for a tax of three cents on each acre of land in Newark and Random [Brighton,] public rights excepted, was sent up from the house, with this order thereon:

"In General Assembly, Oct. 15 1801.

Read and referred to the third land Tax Committee to join.

Attest JA<sup>s</sup> ELLIOT Clerk."

Resolved, To concur in said Reference.

A bill, passed in the house of Representatives, Entitled "An act relating to the Court-house in Chelsea in the County of Orange," was sent up for revision &c. and being read, Resolved, To concur with the house in passing said bill into a law.

Mr. Jacob, member of Council, observed in his place, that having been elected a Judge of the Supreme Court of Judicature and having accepted the said appointment, he should at this time resign his office as Councillor.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.

The house of Representatives having risen, to attend to Committees, the Council adjourned to 9 o'clock tomorrow morning.

SATURDAY, October 17<sup>th</sup>. 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

The hon'ble Noah Chittenden Esquire, elected a Councillor, appeared in the Council Chamber, accepted his appointment, and after taking the necessary oaths was admitted to a seat.

Mr. Chamberlain, for particular reasons which he stated, moved to be excused from sitting on the Petition of John Ellsworth and others. Ordered, That he be excused, and that Mr. Chittenden do serve on said Petition in his room.

The Petition of W<sup>m</sup>. A. Griswold and others, praying that a grant may be passed for a Turnpike road from the mouth of Wells River to Danville, in the most eligible place thro' the towns of Ryegate, Barnet, Peacham, Deweysburgh and Danville, was received from the house with this order thereon:

“In General Assembly, Oct. 16<sup>th</sup> 1801.

Read and referred to the Committee on the Petition of John Ellsworth and others.

Attest JAS. ELLIOT, Clerk.”

And the same being read, Resolved, To concur in the said reference.

A Petition from Jonathan Ware, praying that a Committee may be raised to lay a highway from Cabot to Newbury, and that a tax of one cent on the acre in Danville and Barnet, two cents on the acre in Peacham, three cents on the acre in Deweysburgh, and four cents on the acre in Ryegate, may be raised to make and repair said highway; and A Petition from John Skeels, praying that two cents of the tax prayed for by Jonathan Ware and others may be appropriated to lay out, make or repair a road from Newbury to Cabot, and that an impartial and disinterested Committee may be appointed to lay out and establish the same in the most direct and easy route, after viewing the several routs that may be proposed, were sent up from the house with this order on each:

“In General Assembly Oct. 16, 1801.

Read and referred to the Committee on the Petition of John Ellsworth and others.

Attest JAS. ELLIOT, Clerk.”

And the same being read, Resolved, To concur in the reference thereon respectively.

The Petition of Ebenezer Morse, praying for an act suspending all civil prosecutions against him for the term of three years, was received from the house with this order thereon:

“In General Assembly Oct. 14, 1801.

Read and referred to the Committee on the petition of Daniel Cameron.

Attest JAS. ELLIOT, Clerk.”

And the same being read, Resolved, To concur in the said reference.

A bill, passed in the house of Representatives, Entitled “An act to establish and confirm the division of the town of Winhall,” was sent up for revision &c. and being read, Ordered, That it be referred to Mr. Galusha to enquire into the evidence before the Committee of the house and report thereon.

The Petition of Samuel Barnum, in behalf of the Inhabitants and landowners in Monkton, praying for [a] tax of two cents on each acre of land in said town, public rights excepted, for the purpose of making and repairing roads in said town, was received from the house, with this order thereon.

“In General Assembly Oct. 14<sup>th</sup> 1801.

Read and referred to the Second land tax Committee.

Attest JAS. ELLIOT, Clerk.”

And the same being read, Resolved, To concur with the house in their said reference.

A Petition from the proprietors and landowners in the town of Swanton, praying for a tax of two cents on each acre of land in said town, for the purpose of Compleating the bridge over Missisquoi River and repairing other bridges in said town, was rec<sup>d</sup> from the house with this order thereon:

“In General Assembly Oct. 13<sup>th</sup> 1801.

Read and referred to the Third land Tax Committee.

Attest JAS. ELLIOT, Clerk.”



And the same being read, Resolved, To concur in the above reference of the house.

A bill, passed in the house of Representatives, Entitled "An act granting to Aaron Ellsworth of Killingworth, in the county of Middlesex and State of Connecticut, his heirs and assigns, the exclusive right of manufacturing Crawley and Blistered Steel in this State for the term of ten years," was sent up for revision &c. and being read, Ordered, That it be referred to Mr. White and Mr. Loomis, to report amendments.

Mr. Galusha, to whom was referred the bill Entitled "An act to establish and confirm the division of the town of Winhall," reported that, having examined into the evidence before the Committee of the house, is of opinion the same ought to pass, which report was accepted, and then it was Resolved, To concur in passing said bill into a law.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act directing the Treasurer of this State to pay to the Selectmen of Leicester the sum therein mentioned," and "An act directing the Treasurer of this State to pay the town of Fairfield the sum of ten Dollars," and the said bills being severally read and considered, Resolved, To concur in passing them into laws respectively. Ordered, That the Secretary acquaint the house therewith.

The following resolution was received from the house viz.

"In General Assembly Oct. 17, 1801.

Resolved, the Governor and Council concurring therein, that his Excellency the Governor and Council meet in the Representatives' room, at the hour of eleven O'clock this morning, to unite with the house in joint ballot for the choice of a person to serve as Councillor in the room of the hon'ble Stephen Jacob Esquire, who has resigned that office. Extract from the Journals.

Attest JA<sup>S</sup>. ELLIOT, Clerk."

And the same being read, Resolved, To concur with the house in the same.

At Eleven O'clock, his Excellency being absent thro indisposition, the L<sup>t</sup> Governor and Council repaired to the Representatives' room and met that body in joint Committee for the purpose expressed in the foregoing resolution: His Honor the L<sup>t</sup> Governor in the Chair, The Secretary of State Clerk. The ballots being taken and examined, Eliakim Spooner Esquire had a majority of all the votes, when Josiah Edson Esq<sup>r</sup>. Sheriff of Orange County, by public proclamation declared the said Spooner duly elected a Councillor for the year ensuing by the joint ballots of both houses.

The Committee then dissolved & the Council returned to their Chamber.

Petitions from several persons and towns, praying for grants of land taxes on each acre of land in the towns of Jamaica, Reedsboro', Ripton, Sheldon, Essex, Colchester, Marshfield, Huntsburgh [Franklin], Walden Gore, Coventry, and Warren, public rights excepted, for the purpose of making and repairing roads and building bridges in said towns, were received from the house with the following or similar order on each.

"In General Assembly Oct. 10 to 16.

Read and referred to the first land tax Committee.

Attest JA<sup>S</sup>. ELLIOT, Clerk."

And the said Petitions being severally read, Resolved, To concur with the house in their reference of the same.

The following written message was received from the house:

"In General Assembly Oct. 16, 1801.

The amendments of the Governor and Council to the bill Entitled "An act establishing the Goal in the County of Franklin a prison for receiving and safe keeping prisoners committed under the Authority of the United States," is concurred. Attest JA<sup>S</sup>. ELLIOT, *Clerk*."

Petitions from sundry persons and Towns, praying for grants of Taxes on each acre of land in the Towns of Eden, Cabot, Wolcott, Roxbury, Walden, Stockbridge, Waterford and Lemington, public rights excepted, for the purpose of making and repairing roads and building bridges in said towns, were sent up from the house with the following or a similar order on each:

"In General Assembly Oct. 10 to 16, 1801.

Read and referred to the Third land Tax Committee.

Attest JA<sup>S</sup>. ELLIOT, *Clerk*."

And the same being severally read, Resolved, To concur with the house in their reference of the same.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

Ordered, That the Secretary write to the hon'ble Eliakim Spooner Esq<sup>r</sup> informing him that he was this day elected a Councillor by the joint ballot of both houses, and requesting him to appear and take his seat as soon as possible.

Mr. White, from the Committee on the bill Entitled "An act granting to Aaron Elliot of Killingworth, in the County of Middlesex and State of Connecticut, his heirs and assigns, the exclusive right of manufacturing Crawley and Blistered Steel for the term of ten years," reported Amendments to be made thereto, which were accepted and then Resolved, To concur in passing the said bill as amended, and that the same be transmitted to the house by the Secretary.

Mr. Miller laid before the Council sundry papers relative to the Grant of lands made to Nathan Fisk Esq<sup>r</sup> and Company and George Duncan and Company, made Oct. 28<sup>th</sup> 1781, together with a Survey of the Town of Duncansboro' [Newport,] certified under the hand of the Surveyor General, and the same being read and considered, on motion, Resolved, That his Excellency the Governor be and he hereby is advised by Council to issue a charter of incorporation of the Town of Duncansboro' in due form agreeably to the return and survey of the Surveyor-General, as soon as his Excellency shall be furnished with a correct copy of the Grantees by the land Committee.

Eliakim Spooner Esq<sup>r</sup> appeared in the Council Chamber, signified his acceptance of the office of Councillor, and after taking the necessary oaths was admitted to a seat.

Adjourned to 10 O'clock on Monday morning next.

MONDAY, NEWBURY, October 19<sup>th</sup> 1801, 10 O'clock A. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act laying a tax of four cents per acre on the tract called Parker's Gore, for the purpose therein mentioned;" "An act laying a tax of one cent per acre on Kellyvale [Lowell,] for the purpose therein mentioned;" and "An act directing the Treasurer to pay to Seth Storrs, Auditor, the sum therein mentioned;" and the said bills being severally read and considered, Resolved, To concur in passing the same respectively into laws. Ordered, That the Secretary acquaint the house with the same.

A bill, passed in the house of Representatives, Entitled "An act authorizing the Proprietors of Craftsbury to establish their former proceedings," was sent up for revision, &c. and the same being read and considered, Ordered, That it be referred to Mr. Spooner to inquire into the facts stated in the preamble to said bill.

A bill, passed in the house of Representatives, Entitled "An act affecting the outlines of the town of Caldersburgh [Morgan] and altering the name thereof," was sent up for revision &c. and the same being read and considered, Resolved, To concur with the house in passing the said bill into a law, with these proposals of amendment: subjoin [to] the 2<sup>d</sup>. Section the following, "And that the line so described as aforesaid shall be a part of the line dividing the Counties of Essex and Orleans, any thing in any other act or acts to the contrary notwithstanding," and that the title of the bill be as follows, viz. "An act annexing Brownington and Whitelaw's Gores to Caldersburgh, and the easterly part of said Caldersburgh to Wenlock, describing a part of the County lines between the Counties of Essex and Orleans, and altering the name of Caldersburgh to that of Wenlock." Ordered, That the Secretary carry the said bill to the house and inform them of the above amendments.

Adjourned to 2 o'clock P. M.

2 O'CLOCK P. M.

The following resolution was received from the house:

"In General Assembly Oct. 19, 1801.

Resolved, the Governor and Council concurring therein, that at the opening of the house this afternoon the joint Committee meet in the Representatives' room for the purpose of making the appointments of Auditor of accounts against the State and Surveyor General. Extract from the Journals.

Attest JAS. ELLIOT Clerk."

Resolved, To concur in the same, and the Secretary was directed to inform the house thereof, and that the Governor and Council will immediately attend in the Representatives' Room. The Governor and Council accordingly repaired to the Representatives' room and met the house in joint Committee for the purpose expressed in the foregoing resolution: His Excellency in the Chair—The Secretary of State Clerk. When Benjamin Emmons Jun<sup>r</sup>. of Woodstock was elected auditor of accounts against the State, and James Whitelaw Surveyor-General. The Committee then dissolved, and the Governor and Council retired to their Chamber.

A bill, passed in the house of Representatives, Entitled "An act directing the Treasurer of this State to pay Joseph Beeman Esquire the sum of Twenty nine dollars on the account therein mentioned," was sent up for revision &c. and being read, Ordered, That it be referred to Mr. Chamberlain to examine into the facts and report his opinion thereon.

The following note was received from the house:

"In General Assembly Oct. 19, 1801.

The amendment of the Governor and Council to the bill Entitled "An act granting to Aaron Elliot of Killingsworth, in the County of Middlesex in the State of Connecticut, his heirs and assigns, the exclusive right of manufacturing Crawley and Blistered Steel in this State for the term of ten years," is concurred in by the General Assembly and the bill passed as amended.

Att. JAS. ELLIOT Clk."

A bill, passed in the house of Representatives, Entitled "An act regulating proceedings when listers make mistakes in footing the lists," was sent up for revision &c. & being read, Ordered, That it be referred to Mr. Galusha and Mr. Chittenden to take the same under consideration and report thereon.

Mr. Spooner, to whom was referred the bill Entitled "An act author-

izing the proprietors of Craftsbury to establish their former proceedings," reported that the said bill ought to pass, and the same being again read, before any order was taken on s<sup>d</sup>. report, Ordered, That the same be again referred to an additional Committee, and Mr. White was appointed.

The Council adjourned untill 9 O'clock Tomorrow morning.

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TUESDAY, October 20<sup>th</sup> 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

Mr. Galusha, from the Committee to whom was referred the bill Entitled "An act regulating proceedings when the Listers make mistakes in footing the lists," reported a new title to said bill, viz. "An act providing relief for Collectors of State Taxes," with sundry amendments—which report was read, and being largely discussed, was rejected. On motion, Ordered, That said Committee be discharged and that the said bill be referred to a new Committee to report such amendments as shall meet the sense of Council. Members chosen, Mr. White and Mr. Marvin.

Mr. Chamberlain, to whom was referred the bill Entitled "An act directing the Treasurer of this State to pay to Joseph Beeman Esquire the sum of twenty nine dollars on the account therein mentioned," reported verbally, that having examined the facts, he finds that the Survey which has been made by the said Beeman, which he considers a service, was done by virtue of a Commission from the Surveyor-General, yet that said service, he learns, was to be defrayed by private individuals, and not at the expense of the State, and therefore is of the opinion said bill ought not to pass: whereupon Resolved, That the Governor and Council do not concur in passing said Bill. & Ordered, That Mr. Chamberlain carry s<sup>d</sup>. Bill to the house & inform them of the reasons of such nonconcurrence.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act annexing the town of Norfolk to that of Canaan," was sent up for revision &c. and being read and considered, Resolved, To concur in passing the same into a Law. Ordered, That the Secretary acquaint the house therewith.

On motion, Mr. Galusha obtained leave to bring in a bill Entitled "An act in addition to an act Entitled 'an act for the limitation of suits on penal statutes, criminal prosecutions and actions at law,'" and the same being read and considered, Resolved, That the said bill do pass, and Ordered, That it be engrossed and sent to the house for their revision and concurrence &c.

A bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled 'an act incorporating certain persons therein mentioned by the name of the Center Turnpike Company,'" was sent up for revision &c. and being read and discussed, Ordered, That it be referred to the L<sup>t</sup> Governor and Mr. Allis to examine the same and report their opinion thereon.

The Council adjourned untill 9 O'clock Tomorrow morning.

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WEDNESDAY, October 21<sup>st</sup> 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

Agreeably to adjournment, the Governor and house of Representatives convened in joint Committee in the Representatives' room, to

complete the County Elections. No business being reported, but suggested to be ready on a future day, Resolved, That the Committee adjourn to the opening of the house on Friday morning next—And the Governor and Council returned to their Chamber.

Mr. Marvin, to whom was referred the bill Entitled "An act regulating proceedings where Listers make mistakes in footing the lists," reported the same bill with an alteration of the title and sundry other amendments, which were accepted & Resolved, To concur with the house in passing said bill as amended, and Mr. Marvin appointed to inform the house of the reasons of Council in proposing the said amendments.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following resolution was received from the house :

"In General Assembly Oct. 21<sup>st</sup> 1801.

Resolved, That his Excellency the Governor, by and with the advice of Council, be requested to issue his Proclamation appointing the First Thursday of December next to be observed as a day of public Thanksgiving and praise throughout this State. Extract from the Journals.

Attest JAS. ELLIOT Clerk."

And the same being read, Resolved, That the Council do advise his Excellency to issue his Proclamation agreeably to the foregoing resolution.

A bill, passed in the house of Representatives, Entitled "An act directing the Treasurer of this State to suspend his Extent against the Collector of the Town of Ferrisburgh for the year 1800, for the term of one year," was sent up for revision &c. and being read, Resolved, To concur with the house in passing the said bill into a law.

The Council took under consideration certain resolutions relative to districting the State for the choice of Electors of President and Vice-President, and for districting the State for the Choice of Representatives to the Congress of the United States, predicated on the Resolutions forwarded to his Excellency by the Executive of the State of Maryland—and after some time spent therein, The Council adjourned untill 9 O'clock Tomorrow morning.

THURSDAY, October 22<sup>nd</sup> 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolution was received from the house :

"In General Assembly Oct. 22<sup>d</sup> 1801.

Resolved, the Governor and Council concurring therein, that they meet the house of Representatives in the Representatives' room at ten O'clock this forenoon for the purpose of electing a person to do the duty of Auditor of accounts against this State, pro tem. Extract from the Journals.

Attest JAS. ELLIOT Clerk."

And the same being read, Resolved, To concur therein, and Ordered that the Secretary inform the house thereof.

At ten O'clock the Governor and Council repaired to the Representatives' room and met in joint Committee for the purpose expressed in the foregoing resolution : His Excellency in the Chair, Richard Whitney Secretary to the Gov & Council Clerk. The ballots being taken and examined, Isaac Bayley Esquire was declared duly elected. The Committee then dissolved, and the Governor and Council returned to their Chamber.

The Petition of Charles Goodrich, Agent for the Proprietors of Pittsfield & Hancock, referred from the last Session, praying to be reim-

bursed certain monies paid for the Granting fees of Pittsfield & Hancock, which the Charters of said Towns do not embrace, was sent up from the house with this order thereon:

"In General Assembly Oct. 22, 1801.

Read and Referred to Mr. D. Sheldon, Mr. Henry, Mr. P. Smith, Mr. Williams, Mr. Holley, Mr. Niles, Mr. Butler, Mr. Elkins, Mr. Dana, Mr. Strong and Mr. [S. B.] Sheldon to join such Committee as the Council may appoint. Att. JA<sup>s</sup> ELLIOT Clerk."

And being read, Ordered, That Mr. Strong and Mr. Safford do join the aforesaid Committee.

The L<sup>t</sup> Governor, from the Committee to whom was referred the bill Entitled "An act in addition to an act Entitled 'an act incorporating certain persons therein mentioned by the name of the Centre Turnpike Company,'" reported, That the said bill ought to pass, with this provisionary clause, "that the said Centre Turnpike Company shall not erect any gate, or in any way interfere with the privileges of the Woodstock and Royalton Turnpike Company, between the junction of said roads and Woodstock"—which report was accepted, and then it was Resolved, To concur with the house in passing the said bill as amended, and Mr. Galusha appointed to carry said Bill to the house & inform them of the reasons of Council in proposing the s<sup>d</sup> amendment.

On motion of Mr. Marvin, Resolved, That his Excellency the Governor be and he hereby is advised by Council to issue to Ebenezer Marvin Esquire a Charter of conveyance of seven hundred and eighty seven acres of land, lying west of and adjoining the west line of Huntsburgh in the County of Franklin, as said line is now surveyed by the proprietors of said Huntsburgh, agreeably to said Marvin's survey bill thereof, it being a part of a gore of land granted to said Marvin by the Legislature of this State at their Session at Windsor on the 4<sup>th</sup> November 1793, on the granting fees of ten Pounds lawful money being paid into the Treasury of this State, it being the sum assessed by a Committee appointed for that purpose on each hundred acres, amounting in the whole to two hundred and sixty two dollars and thirty seven cents.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled 'An act for the purpose of raising the sum of five hundred Dollars by lottery,' passed Novr. 8<sup>th</sup> 1797," was sent up for revision &c. and the same being read, Resolved, That the Governor and Council do not concur in passing the said [bill] into a law, for the following reasons:

1<sup>st</sup> Because the Petition of Thaddeus Munson and others, upon which the said bill is predicated, is a petition between party and party, and no notice appears to have been given to the opposite party to appear and shew cause why the prayer thereof ought not to be granted.

2<sup>nd</sup> Because the Managers of said lottery were, by the act granting the same, to give bonds for the faithful discharge of their trust, which bonds, if duly executed, are the proper remedy for the grievances complained of.

And 3<sup>d</sup> That all the acts affecting the rights, liabilities and forfeitures of individuals made subsequent to the act or acts creating or imposing such rights, liabilities and forfeitures, are in themselves unconstitutional and void.

The Council Adjourned untill 9 O'clock Tomorrow morning.

FRIDAY, October 23<sup>rd</sup> 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

Agreeably to adjournment the Governor and Council met the house of Representatives in their room in joint Committee, for the purpose of compleating the County Elections, and progress being made therein, the Committee adjourned untill the opening of the house on Tuesday morning, and the Governor & Council returned to their Chamber.

The following resolution was received from the house :

"In General Assembly Oct. 23, 1801.

Resolved, That a Committee of one member from each County be appointed, to join such Committee as the Council may appoint, to take into consideration that part of his Excellency's speech at the commencement of the present Session in which he has recommended to the Legislature the state of our Militia, and the propriety of purchasing arms for their use, or encouraging the manufacture of arms in this State, and also the propriety of furnishing field Artillery for the use of the several brigades, and report by bill or otherwise. Members chosen — Mess<sup>rs</sup>. Martindale, Noyes, Shaw, Elias Keyes, Speaker, Hatch, Bostwick, Crafts, Dana, Holmes and Wing. Extract from the Journals.

Attest JA<sup>s</sup>. ELLIOT Clerk."

The same being read Ordered, That M<sup>r</sup>. Chamberlain and M<sup>r</sup>. Chittenden do join the said Committee.

The Committee to whom was referred the bill Entitled "An act authorising the proprietors of Craftsbury to establish their former proceedings," reported that said bill ought to pass, & the said bill being again read, Resolved, to concur with the house in passing the said bill into a law. Ordered, That the Secretary inform the house of the same.

On motion of M<sup>r</sup>. Miller, Resolved, The house of Representatives concurring therein, that the Governor and Council meet the house of Representatives in joint Committee in the Representatives' room, at 2 O'clock this afternoon, for the purpose of electing a Chief Judge of the Supreme Court of Judicature, in the room of the hon<sup>ble</sup> Israel Smith Esq<sup>r</sup>. who declines accepting the said appointment. Ordered, That the above resolution be transmitted to the house by the Sec<sup>y</sup>. The above resolution was returned from the house by M<sup>r</sup>. Olin with this order thereon:

"In General Assembly Oct. 23, 1801.

Read and nonconcurrent, and M<sup>r</sup>. Olin was appointed to return the resolution to the Governor and Council and assign the reasons of the nonconcurrence of this house. Att. JA<sup>s</sup>. ELLIOT Clk."

And M<sup>r</sup>. Olin, after stating the same, withdrew.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act laying a Tax of four cents per acre on all the lands, public rights excepted, in the town of Burlington, County of Chittenden, lying west of the dividing line between the said town of Burlington and Williston, as established in an act passed Nov. 8<sup>th</sup> 1797, Entitled 'An act describing the division line between the towns of Burlington and Williston for the purpose therein mentioned,'" was sent up for revision &c. and the same being read, Resolved, To concur with the house in passing said bill into a law. Ordered, That the Secretary acquaint the house therewith.

The following resolutions were received from the house :

"In General Assembly Oct. 19, 1801.

"Resolved, That in the opinion of the legislature the following amendments to the Constitution of the United States would conduce to the

happiness of the Citizens thereof, by the establishment of an uniform mode for the choice of Electors of President and Vice President of the United States, and of Representatives to Congress :

"1<sup>st</sup>. That after the Third day of March, in the year one Thousand eight hundred and one, the choice of Electors of President and Vice President shall be made by the Legislature of each State dividing the State into a number of districts equal to the number of Electors to be chosen in such state, and by the persons, in each of those districts, who shall have the qualifications requisite for Electors of the most numerous branch of the legislature of such state, choosing one Elector in the manner which the legislature thereof shall prescribe, which districts when so divided shall remain unalterable, untill a new census of the United States shall be obtained.

"2<sup>nd</sup>. That the election of Representatives to serve after the third day of March, 1803, shall be by dividing each State, by the legislature thereof, into a number of districts equal to the number of Representatives to which such State shall be entitled, and by the people within each of those districts, who shall have the qualifications requisite for Electors of the most numerous branch of the legislature of such State, choosing one Representative in the manner which the Legislature thereof shall prescribe ; which districts, when so divided, shall remain unalterable untill a new Census of the United States shall be obtained.

"Ordered, That the foregoing resolutions be sent to the Governor and Council for their concurrence or proposals of amendment. Extract from the Journals.

Attest JAMES ELLIOT, Clerk."

The same being read and considered, on the question, Will the Governor and Council concur in passing the said Resolutions, the yeas and nays being required by Mr. Marvin, Those who voted in the affirmative were The Lt. Governor, Mr. Chittenden, Mr. Galusha, Mr. Loomis, Mr. Safford, Mr. Spooner, and Mr. White. Those who voted in the negative were Mr. Allis, Mr. Chamberlain, Mr. Marvin, Mr. Miller, Mr. Robinson, and Mr. Strong. Yeas, 7—Nays, 6 : so they passed in the affirmative Ordered, That the Secretary acquaint the house with the same.

The following resolution was received from the house :

"In General Assembly Oct. 23, 1801.

Resolved, That a Committee of three Members be appointed to join such Committee as the Council may appoint, to take into consideration the propriety of repealing the act Entitled "An act dividing the State into districts for electing Representatives to the Congress of the United States, and directing the mode of their election," agreeably to the recommendation contained in the Speech of his Excellency the Governor at the commencement of the present session, and report by bill or otherwise. Members chosen, Mr. Wing, Mr. Hatch and Mr. Chipman. Extract from the Journals.

Attest JAMES ELLIOT Clerk."

And the same being read, Ordered, That Mr. Spooner join the aforesaid Committee.

The following resolution was sent up from the house:

"In General Assembly Oct. 23<sup>d</sup> 1801.

Resolved, the Governor and Council concurring therein, that his Excellency the Governor and Council meet the house of Representatives in joint Committee in the Representatives' room at the opening of the house tomorrow morning, to appoint by joint ballot a person to the office of Chief Justice in the room of Israel Smith Esquire, who has declined said office. Extract from the Journals.

Attest JAS. ELLIOT Clerk."



And the same being read, Resolved, To concur with the house therein. Ordered, That the Secretary acquaint the house with the Concurrence of Council in both the foregoing Resolutions.

The Council adjourned untill 9 O'clock A. M. tomorrow.

SATURDAY October 24<sup>th</sup> 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Governor and Council repaired to the house of Representatives and met in joint Committee agreeably to the concurrent resolution of both houses, to elect a Chief Judge of the Supreme Court of Judicature in the room of the hon'ble Israel Smith Esquire, who declines said appointment: His Excellency in the Chair, The Secretary of the Governor and Council Clerk. The ballots being taken and examined. The hon'ble Jonathan Robinson Esq<sup>r</sup> was declared duly elected. And the Governor and Council returned to their Chamber.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act laying a Tax of one cent per acre on the town of Stockbridge, for the purpose therein mentioned;" "An act laying a Tax of three Cents per acre on Norfolk, for the purpose therein mentioned;" "An act laying a tax of two cents per acre on the town of Swanton, for the purpose therein mentioned;" "An act laying a tax of three cents per acre on the towns of Newark and Random, for the purpose therein mentioned;" and "An act granting to Amos Merrill Jun<sup>r</sup> the exclusive right of keeping a Ferry," and the said bills being severally read and considered, Resolved, To concur in passing the same respectively into laws. Ordered, That the Secretary acquaint the house therewith.

The petition of Solomon Curtiss, praying to be restored to his law in a certain case, was received from the house with this order thereon:

"In General Assembly Oct. 15, 1801.

Read & Referred to Mr. Peters, Mr. Niles, Mr. Hammond, Mr. W. Strong and Mr. Spooner to join a Committee from Council, to sit next week on Saturday.

Att. JAS. ELLIOT, Clerk."

And the same being read, Ordered, That Mr. Chamberlain & Mr. Chittenden join the aforesaid Committee.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, Entitled "An act laying a tax of two cents on each acre of land in the township of Somerset," was sent up with this order thereon:

"In General Assembly Oct 24<sup>th</sup> 1801.

Read and referred to the 2<sup>nd</sup> land tax Committee.

Att. JAS. ELLIOT Clk."

And the same being read, Resolved, To concur with the house in the said reference.

The following resolution was received from the house:

"In General Assembly Oct. 12, 1801.

Resolved, that a Committee be appointed of one from each County, to join such Committee as the Council may appoint, to take into consideration the law regulating the militia of this State, and report to this house what alteration, or whether any, is necessary to be made in said act. Members chosen—Mess<sup>rs</sup> J. Wright, Hunt, Rich, Jones, Beach, Chipman, Elias Keyes, Hatch, Elkins, Hinman and Wait. Extract from the Journals.

Att. JAS. ELLIOT Clerk."

And the same being read, Ordered, That the Lt Governor join the aforesaid Committee.

The Council adjourned untill 10 O'clock on Monday morning.

MONDAY, October 26<sup>th</sup> 1801, 10 O'clock A. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act granting relief to an infirm Indian, by the name of Joseph;"<sup>1</sup> "An act in addition to an act Entitled 'An act constituting the Supreme Court of Judicature and County Courts, defining their powers, and regulating judicial Proceedings,'" "An act laying a tax of one cent per acre on the town of Pittsfield, for the purpose therein mentioned;" "An act laying a tax of two cents per acre on the town of Wolcott, for the purpose therein mentioned;" "An act to lay a tax of three cents per acre on the town of Walden, for the purpose therein mentioned;" "An act laying a tax of four cents per acre on the town of Roxbury, for the purpose therein mentioned;" and "An act laying a tax of two cents per acre on the town of Ripton, for the purpose therein mentioned;" and the said bills being severally read and considered, Resolved, To concur in passing the same respectively into laws. Ordered, That the Secretary acquaint the house therewith.

The following written message was received from the house:

"In General Assembly, Oct. 26<sup>th</sup> 1801.

The bill Entitled "An act in addition to an act Entitled 'an act for the limitation of suits on penal statutes, criminal prosecutions, and actions at law,'" originated in the hon'ble Council, has been concurred by the General Assembly and has become a law of this State.

Attest JAS<sup>S</sup> ELLIOT Clerk."

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act to incorporate William Simpson and others for the purpose of erecting a toll bridge over Connecticut River," was sent up for revision &c. and being read and Considered, Resolved, To concur with the house in passing the said bill into a law.

A bill, passed in the house of Representatives, Entitled "An act constituting and establishing a Company of Artillery in the town of St Albans," was sent up for revision &c. & being read, Ordered, That it be referred to the Lt Governor and Mr Chamberlain to report amendments.

A bill, passed in the house of Representatives, Entitled "An act giving relief to Richard Gennes, of Sheffield," was sent up for revision &c. and the same being read and amended so that the title of said bill should be "An act remitting a certain fine to Richard Gennes," and other amendments made therein, Resolved, To concur in passing said bill as amended, and Mr Chamberlain requested to carry down said bill and state to the house the reasons of Council for proposing the said amendments.

A bill, passed in the house of Representatives, Entitled "An act incorporating Averey's Grant and Kelley's Grant, in the County of Orleans, into a township, by the name of Missiskouie," [Troy,] was sent up for revision &c. read, amended, and then it was Resolved, To concur in passing the said bill as amended, and Mr Chamberlain requested to carry down said bill and state to the house the reasons of Council for proposing the said amendments.

The Council adjourned until 9 O'clock tomorrow morning.

<sup>1</sup>A former act gave support to Joe and Molly, residents of Hydepark, for whom Joe's and Molly's ponds were named. The inference is that Molly had died previous to 1801.

TUESDAY, October 27<sup>th</sup>. 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Governor and Council repaired to the Representatives' room pursuant to adjournment and met in joint Committee for the purpose of completing the County Elections, and no business being reported, the Committee adjourned untill the opening of the house on Saturday morning next, and the Governor and Council returned to their Chamber.

The following written message was received from the house:

"In General Assembly Oct. 26, 1801.

The General Assembly have concurred with the Council in their amendments to the bill Entitled "An act regulating proceedings when listers make mistakes in footing the lists," and have also concurred with the Council in their amendments to the bill Entitled "An act in addition to an act Entitled 'an act incorporating certain persons therein named by the name of the Centre Turnpike Company.'"

Attest JAS. ELLIOT Clerk."

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendments: "An act empowering the Auditor of accounts against this State to audit certain accounts therein mentioned," and "An act granting the exclusive right of a ferriage to John Rogers and Solomon Allen, for the term of years therein mentioned," and the said bills being severally read and considered, Resolved, To concur in passing the same respectively into laws. Ordered, That the Secretary acquaint the house therewith.

M<sup>r</sup>. Chamberlain, from the Committee to whom was referred the "Act constituting and establishing a Company of Artillery in the town of St. Albans," reported sundry amendments to be made therein, which report was accepted, whereupon Resolved, To concur in passing the said bill, with the amendments accompanying the same, and M<sup>r</sup>. Chamberlain requested to carry said bill to the house and inform them of the reasons of Council in proposing said amendments.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

On motion, Resolved, That M<sup>r</sup>. Chamberlain and M<sup>r</sup>. Loomis be a Committee to join such Committee as the General Assembly may appoint, to take into consideration the expediency of passing a general law for redressing the grievance complained of by the flowing of ponds and streams in the several parts of this state which operate as nuisances to the Inhabitants in the vicinity of such ponds and streams, and to report their opinion by bill or otherwise. Ordered, That the same be transmitted to the house by the Secretary.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act defining the duty of Grand Jurors who may be appointed agreeably to law in the several towns in this state for preserving and keeping the peace," and "An act in alteration of an act Entitled 'an act laying a tax of one penny per acre on the town of Canaan, in the County of Essex,'" and the said bills being severally read, Resolved, To concur in passing the same respectively into laws.

The Council adjourned untill 9 O'clock tomorrow morning.

WEDNESDAY, October 28<sup>th</sup>. 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act

laying a tax of two cents per acre on the town of Reedsboro', for the purpose therein mentioned ;" "An act laying a tax of three cents per acre on the town of Lemington ;" "An act laying a tax of two cents per acre on the town of Sheldon, for the purpose therein mentioned ;" "An act laying a tax of three cents per acre on the town of Cambridge for the purpose therein mentioned ;" "An act, laying a tax of two cents per acre, on that part of the town of Coventry which is situated in the County of Orleans, for the purpose therein mentioned ;" "An act laying a tax of two cents per acre on the town of Billymead [Sutton], for the purpose therein mentioned ;" "An act assessing a tax of two cents per acre on all the lands in the township of Monkton, in Addison County ;" "An act laying a tax of three cents per acre on that part of Warren which is situated in the County of Addison ;" "An act empowering the Committee appointed to superintend the expenditure of a land tax in the town of Bolton to publish new advertisements ;" "An act to enable the proprietors and landowners of the town of Athens to divide their common lands by making pitches of the same ;" "An act directing the Treasurer to credit the town of Ira the sum therein mentioned ;" "An act confirming the second book of the records of deeds in the town of Thetford ;" "An act laying a tax of two cents per acre on the town of Waterford, in the County of Caledonia ;" "An act laying a tax of three cents per acre on the lands in the town of Essex, for the purpose therein mentioned ;" "An act altering the name of William Hog to William Hall ;" "An act directing the Treasurer of this State to credit the town of Swanton the sum therein mentioned ;" and "An act authorizing and empowering William Crawford to sell the real estate of the heirs to the estate of David Johnson late of Chester;" And the said bills being severally read and considered, Resolved, To concur in passing the same respectively into laws. Ordered, That the Secretary acquaint the house therewith.

The resolution adopted in Council relative to the redressing of grievances arising from flowing of ponds and streams was returned from the house concurred, and Mr. El<sup>th</sup> Keyes, Mr. Theo<sup>r</sup> Harrington and Mr. Hatch appointed a Committee on the part of the house.

A bill, passed in the house of Representatives, Entitled "An act reviving an act Entitled 'An act granting a tax of one penny on each acre of land in the town of Huntsburgh, in the County of Chittenden,' passed the 7<sup>th</sup> day of November 1792," was sent up for revision &c. and the said bill being read and amended, Resolved, To concur in passing the same with the accompanying amendments, and Mr. Marvin appointed to carry down said bill, and state to the house the reason of the Council in proposing the said amendments.

Adjourned untill 2 O'clock P. M.

2 O'CLOCK P. M.

On motion, Mr. Marvin obtained liberty of absence after tomorrow.

A bill, passed in the house of Representatives, Entitled "An act granting leave to the Administrators on the Estate of Joseph Powers to sell real Estate," was sent up for revision &c. and being read, Ordered, That it be referred to Mr. Galusha and Mr. Miller to report amendments.

A bill passed in the house of Representatives, Entitled "An act empowering Moses Heaton, Collector of a land tax in the town of Duxbury, to record his proceedings relating to the sale of lands in said town," was sent up for revision &c. and being read, Ordered, That it be referred to Mr. Safford and Mr. Robinson to report their opinion thereon.

A bill, passed in the house of Representatives, Entitled "An act to incorporate the proprietors of an aqueduct in the vicinity of Bellamaguen, in St<sup>h</sup> Albans, into a Company for the purpose therein men-

tioned," was sent up for revision &c. and being read, Resolved, To concur in passing the same with this proposal of amendment, insert after the word "thereof," in the 18<sup>th</sup> line of the 1<sup>st</sup> Section, the words "as are not repugnant to the Constitution and laws of this State."

A bill, passed in the house of Representatives, Entitled "An act laying a tax of six cents per acre on the town of Colchester, for the purpose therein mentioned," was sent up for revision &c. and the same being read and amended by inserting the word "four" in lieu of the word "six," wherever it occurs before the word "Cents." Resolved, to concur in passing said bill, as amended, and Mr. White appointed to inform the house of the reasons of Council in proposing the said amendment.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of four cents per acre on the town of Marshfield, for the purposes therein mentioned," was sent up for revision &c. and the same being read and considered, Resolved, To nonconcur with the house in passing the said bill into a law, and Mr. White requested to inform the house of the reasons of Council for such nonconcurrence.

A bill, passed in the house of Representatives, Entitled "An act relating to the time of drawing off the mill-pond, at the falls of the River La-Plot in the town of Shelburne," was sent up for revision &c. and being read and considered, Resolved, To concur with the house in passing the said bill into a law.

On motion, Mr. Galusha obtained leave to bring in a bill Entitled "An act in addition to an act Entitled 'An act relating to Petitions preferred to the General Assembly,' and also imposing an additional duty on the Secretary of State," and being read, Ordered, That it lie on the table for consideration.

The Council adjourned untill 9 O'clock Tomorrow morning.

THURSDAY, October 29<sup>th</sup> 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of three cents per acre on Jamaica," was sent up for revision &c. and the same being read, Resolved, To concur with the house in passing the said bill into a law.

On motion, Mr. Allis obtained leave to bring in a bill Entitled "An act making it the duty of the several towns in this State to perambulate the outlines thereof within the time therein mentioned," and the said bill being read, Ordered, that it be referred to Mr. Marvin and Mr. Allis to report thereon.

The bill Entitled "An act in addition to an act Entitled 'an act relating to petitions preferred to the General Assembly,' and also imposing an additional duty on the Secretary of State," was again read, and after being largely discussed it was Resolved, That the same do not pass.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act empowering Deborah Stetson, Administratrix to the estate of Samuel Stetson deceased, to sell real estate;" "An act to establish the Salaries of the Governor and Treasurer of this State;" "An act enabling the proprietors of the town of Braintree to confirm their former proceedings;" "An act directing the Treasurer of this State to pay the several sums therein mentioned;" "An act authorising the Supreme Court to

proceed to the trial of a certain cause therein named upon the merits thereof;" "An act empowering the proprietors of Waterford to ratify and confirm the division and draught of said town as far as they are now completed;" and "An act in addition to an act Entitled 'an act, directing the mode of passing laws,'" and the same being read and considered severally, Resolved, To concur in passing the same respectively into laws. Ordered, That the Secretary acquaint the house therewith.

Mr. Robinson, from the Committee to whom was referred the bill Entitled "An act empowering Moses Heaton, Collector of a land taxion the town of Duxbury, to record his proceedings relating to the sales of land in said town" reported that, in their opinion, the said bill ought not to pass. The said report was accepted, and the bill being again read, Resolved, That the Governor and Council do not concur in passing the said bill, for the following reasons: It is the opinion of Council, that an act passed to confirm the vendue sale of any lands which have not been sold agreeable to the law authorizing such sale, will operate as a fraud on the former land owners, and the honest purchaser, under them, especially at a time when the right of redemption has expired. And further, it is our opinion, if valid, it will be deciding by act of legislation between party and party in matters where they have a right to be heard at Common law, and an interference with the judiciary. And further, that in its operation it will be completely *ex post facto*, and against the first Section of our bill of Rights.

The Council adjourned untill 9 O'clock tomorrow morning.

FRIDAY October 30<sup>th</sup>. 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

His Excellency laid before the Council sundry papers relative to the grant and survey of Harris Gore, and the same being read and considered, Resolved, That his Excellency the Governor be and he hereby is advised by Council to issue a Charter of Incorporation of Harris' Gore in due form agreeably to the return and survey of the Surveyor-General, as soon as his Excellency shall be furnished with a correct list of the original Grantees by the land Committee.

A bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled 'An act for the support of the Gospel,'" was sent up for revision &c. and being read & amended by erasing the preamble to the bill and the words "anything contained in any act to the contrary notwithstanding," at the end of the last proviso, when it was Resolved, To concur in passing said bill with the aforesaid amendments, and Mr. Chamberlain directed to inform the house of the reasons of Council in proposing the same.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act to revive and alter an act Entitled 'An act granting a tax of one penny per acre on the town of Johnson, and two pence per acre on Coits Gore,' passed Oct. A. D. 1794," and "An act directing the Treasurer to credit the town of Berlin the sum therein mentioned," and the same being severally read and considered, Resolved, to concur with the house in passing the same respectively into laws. Ordered, That the Secretary acquaint the house therewith.

On motion, Mr. Galusha obtained leave to bring in a bill Entitled "An act in addition to an act Entitled 'An act regulating the office and duty of the Secretary of State,'" and the same being read, Resolved, That

the said [bill] do pass, and that it be engrossed, and sent to the house for their revision &c.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

Mr. Galusha, from the Committee to whom was referred the bill Entitled "An act granting leave to the Administratrix on the Estate of Joseph Powers to sell real Estate," reported sundry amendments to be made therein, which were adopted & then Resolved, To concur in passing the said bill as amended, and Mr. Galusha directed to carry down said bill and inform the house of the reasons of Council in proposing the said amendments.

Mr. Allis, from the Committee to whom was referred the bill Entitled "An act making it the duty of the several towns in this State to perambulate the outlines thereof within a certain time therein mentioned," reported a new bill with this title, "An act directing the perambulation of the outlines of the several towns in this State," which report was accepted, and the bill being read, Resolved, That the same do pass, and Ordered, That it be engrossed and sent to the house for their revision &c.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act directing the manner in which a place or places shall be established for a Grammar school or schools in the County of Orange;" "An act in addition to an act Entitled 'An act for the distribution of the laws, journals, and other public papers;'" and "An act assessing a tax of two cents per acre on the town of Berlin," which were severally read and considered, and then it was Resolved, To concur in passing the same respectively into laws. Ordered, That the Secretary acquaint the house therewith.

Mr. Robinson, member of the house of Representatives, appeared and returned the bill Entitled "An act in addition to an act Entitled 'An act for the support of the Gospel,'" and informed the Council that the house had nonconcurring to the amendments by them proposed, and after assigning the reasons for the same, he withdrew.

The following written message was received from the house:

"In General Assembly Oct. 30<sup>th</sup>. 1801.

The amendments proposed by the Governor and Council to the bill Entitled "An act granting leave to the Administratrix on the Estate of Joseph Powers to sell real estate," have been concurred in by the house, and the bill passed as amended.

Attest JA<sup>S</sup> ELLIOT Clerk."

The Council adjourned until 9 O'clock Tomorrow morning.

SATURDAY, October 31<sup>st</sup>. 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Governor and Council pursuant to adjournment repaired to the Representatives' room and met in joint Committee for the purpose of completing the County Elections, and having accomplished the same, the joint Committee was dissolved, and the Governor and Council returned to their Chamber.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, "An act directing the Treasurer of this State to pay to Samuel Mattocks Esquire, late Treasurer of this State, the sums therein mentioned," and "An act establishing a County Grammar School in the town of Newfane in the

County of Windham," and the said bills being severally read and considered, Resolved, To concur in passing the same respectively into laws. Ordered, That the Secretary acquaint the house therewith.

On motion, Resolved, That the Governor and Council do rescind from their former proposals of amendment to the bill Entitled "An act in addition to an act Entitled 'An act for the support of the Gospel,'" and that that they do concur in passing the same, with these amendments: erase all the preamble after the word "worship," in the eighth line, and also erase the word "any" in the 4<sup>th</sup> line of the last proviso, and insert the word "this" in lieu thereof. And Mr. Galusha requested to carry down said bill and assign the reasons of Council for the aforesaid amendments.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

On motion, Ordered, That Mr. Miller have liberty of absence for the remainder of the session on Monday next.

A bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled 'An act relating to weights and measures,'" was sent up for revision &c. and being read & amended, Resolved, To concur in passing the said bill into a law, with the proposal of amendments accompanying the same, and Mr. Chamberlain appointed to carry down said bill and assign to them the reasons of Council.

The Council adjourned untill 9 O'clock on Monday morning.

MONDAY, November 2<sup>nd</sup> 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, passed in the house of Representatives, Entitled "An act in addition to an act entitled 'An act appointing State's Attornies and Clerks of the Supreme Court in the several Counties in this State, and regulating their office and duty,' passed Nov. 10, 1797," was sent up for revision &c. and the same being read was amended by erasing the words "& State's Attornies" in the fifth line of said bill, and then it was Resolved, To concur in passing the same, with the said proposal of amendment. Ordered, That Mr. Loomis carry down said bill and assign to the house the reasons of Council for the said amendment.

A bill passed in the house of Representatives, Entitled "An act in addition to and in alteration of an act Entitled 'an act for the due observance of the sabbath,'" and also in addition to the act Entitled "An act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating Judicial proceedings," was sent up for revision &c. and amended by inserting the words "first day of February next," in lieu of the words "passing of this act," in the 1<sup>st</sup> and 4<sup>th</sup> Sections, and then Resolved, To concur in passing the said bill as amended, and Ordered, That Mr. Safford carry the same to the house and inform them of the reasons of Council in proposing the said amendments.

The following written message was received from the house :

"In General Assembly Nov. 2<sup>d</sup> 1801.

The amendments proposed by the Governor and Council to the bill Entitled "an act in addition to an act relating to weights and measures" are concurred in and the bill as amended has become a law.

Attest JAS. ELLIOT, Clerk."

A bill passed in the house of Representatives, Entitled "An act regulating proceedings in law and preventing unnecessary expense therein," was sent up for revision &c. & being read, Ordered, That it be referred to a Committee of three members to take the same under consideration



and report thereon—Members Chosen Mr. Galusha, Lt Governor, and Mr. Robinson.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following resolution was rece<sup>d</sup> from the house :

"In General Assembly Nov. 2, 1801.

Resolved, the Governor and Council concurring therein, that they meet the General Assembly in the Representatives' room, at the opening of the house tomorrow morning, for the purpose of appointing a Justice of the Peace in the town of Brookfield, and transacting any other business which may be necessary. Extract from the Journals.

Attest JAS. ELLIOT, Clerk."

And the same being read, Resolved, To concur therein with this amendment—erase the words at the end of the resolution, "transacting any other business, which may be necessary," and insert in lieu thereof "for the Election of any other County officers."

Ordered, That the Secretary inform the house of the same.

A bill, passed in the house of Representatives, Entitled "An act remitting a certain fine to Thomas Osgood," was sent up for revision &c. and the same being read and considered, Resolved, To concur with the house in passing the said bill into a law. Ordered That the Secretary acquaint the house therewith.

The resolution relative to the appointment of a Justice of the Peace in Brookfield was returned from the house with the amendment proposed by Council concurred in.

Mr. Shaw, member of the house, returned to the Council the bill Entitled "An act in addition to an act Entitled 'an act for the support of the Gospel,'" with this order of the house thereon.

"In General Assembly Nov. 2, 1801.

Read and concurred in the first above proposed amendment, and non-concurred in the second amendment, And Mr. Shaw was appointed to carry up the bill and assign the reasons of nonconcurrence.

Att. JAS. ELLIOT Clerk."

Mr. Shaw, after stating the reasons of the house, withdrew.

On motion, Resolved, That the Governor and Council do rescind from their amendment nonconcurred by the house, and do concur in passing said bill, with the following amendments: That after the word "Sections" in the third line of the first Section add these words, "and the providing clause," and at the end of the bill subjoin the following proviso: "Provided, also, and it is hereby further enacted, That this act shall not be construed to affect, alter, or make void any written agreement or contract voluntarily made and entered into by and between the individuals of any town or parish, for the settlement or support of a minister, or for building a meeting-house; but shall be construed to affect such proceedings only as have been passed by the general votes in such town or parishes respectively," and Ordered, That Mr. Brigham carry down said bill and assign to the house the reasons of Council for the aforesaid amendments.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act empowering the Judge of Probate for the district of Bennington to grant licence to Hope Clark to sell land," & "An act annexing the Seventh School district in Newhaven in Addison County to the Northeast School district in Middlebury in said County," and the said bills being severally read and considered, Resolved, To concur in passing the same

respectively into laws. Ordered, That the Secretary acquaint the house therewith.

The Council adjourned until 9 O'clock Tomorrow A. M.

TUESDAY, November 3<sup>d</sup> 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Governor and Council, pursuant to the Concurrent resolution of both houses, repaired to the Representatives' room for the purpose expressed in the same, and met the house in joint Committee, and having finished the said business the Committee then dissolved, and the Governor and Council returned to their chamber.

A bill passed in the house of Representatives, Entitled "An act in addition to and in alteration of an act Entitled 'An act directing the publication of advertisements in the newspapers therein mentioned,' passed 5<sup>th</sup> Nov. 1799," was sent up for revision &c. and being read and amended by filling the blank in the third line of the Section with the word "January," Resolved, To concur in passing the same, as amended.

A bill passed in the house of Representatives, Entitled "An act laying a tax of two cents per acre on the lands in the town of Williston, County of Chittenden, lying east of the dividing line between the said town of Williston and Burlington as established by an act Entitled 'An act, describing the division line between Burlington and Williston,' passed the 8<sup>th</sup> Nov. 1797, and west of the east chartered line of said Burlington, for the purpose therein mentioned," was sent up for revision &c. and being read, Resolved, To concur with the house in passing said bill into a law.

A bill, passed in the house of Representatives, Entitled "An act establishing the location of lands in Robinson District, in the town of Woodford," was sent up for revision &c. was read, amended & Resolved, To concur in passing the same with the said proposal of amendment.

The following resolution was received from the house :

"In General Assembly Nov. 3, 1801.

Resolved that a Committee of three members be appointed to join a Committee of Council, to examine into the unfinished business of the present session, and report the time the house may probably rise. Members Chosen, Mr. Linsley, Mr. El<sup>l</sup>. Keyes and Mr. Niles. Extract from the Journals.

Attest JA<sup>s</sup> ELLIOT Clerk."

And the same being read, Ordered, That Mr. Chamberlain and Mr. Spooner do join the afores<sup>d</sup> Committee.

On motion, Resolved, The house of Representatives concurring therein, that a bill Entitled "An act regulating proceedings at law, and for preventing unnecessary expence therein," which passed in the General Assembly and has been sent to the Governor and Council for their revision &c. be referred until the next Session of the legislature. And Mr. Galusha was requested to carry this resolution to the house and assign the reasons for passing the same.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act to prevent Duelling," was sent up for revision &c. and being read, Ordered That it be referred to Mr. Strong and Mr. White to report their opinion.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment : "An act assessing a tax of one cent on the dollar on the list of one Thousand eight hundred and one," and "An act for the purpose of establishing a

County Grammar school at Waterbury in the County of Chittenden," and being severally read, Resolved, To concur in passing the same respectively into laws. Ordered, That the Secretary acquaint the house therewith.

The following written message was sent up from the house :

"In General Assembly Nov. 2, 1801.

The amendments proposed by the Governor and Council to the bill Entitled "an act in addition to and alteration of an act Entitled 'an act for the due observation of the sabbath,'" and also in addition to an act Entitled "an act constituting the Supreme Court of Judicature and County Courts, defining their powers, and regulating judicial proceedings," have been concurred in the General Assembly and the bill has been passed as amended.

Attest JA<sup>S</sup> ELLIOT *Clerk.*"

The resolution of Council referring to the next Session of the legislature "An act regulating proceedings in law, and for preventing unnecessary expence therein," was returned from the house concurred.

The following written message was received from the house :

"In General Assembly Nov. 3, 1801.

The amendments last proposed by the Governor and Council to the bill Entitled "An act in addition to and in alteration of an act Entitled 'An act for the support of the Gospel,'" have been concurred by the house, and the bill passed as amended.

Attest JA<sup>S</sup> ELLIOT *Clerk.*"

The Council adjourned untill 9 O'clock tomorrow morning.

WEDNESDAY, November 4<sup>th</sup> 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment : "An act laying a tax on the County of Chittenden ;" "An act establishing an Academy in the Town of Brattleboro' in the County of Windham ;" "An act empowering the Treasurer to pay to Jacob Adams the sums thorein mentioned ;" "An act, in addition to an act Entitled 'An act directing the organization of the County of Essex ;'" "An act supplementary to an act Entitled 'An act for regulating and governing the Militia of this State ;'" "An act ratifying and making valid a Certain March meeting in the town of Bethel ;" "An act to remit a fine to Julius Colton ;" and "An act altering the times for holding the County-Courts in the County of Orleans ;" and the said bills, being severally read and considered, Resolved, To concur with the house in passing the same respectively. Ordered, That the Secretary acquaint the house therewith.

A bill, passed in the house of Representatives, Entitled "An act granting to John W. Blake, Calvin Knoulton, and their associates, the privilege of building a toll bridge over West-River, in Brattleboro' ; was sent up for revision &c. and being read and amended, Resolved, To concur in passing the said bill with the proposals of amendment accompanying the same.

A Letter from Gene<sup>l</sup> Ira Allen, relative to his having purchased arms in France for the Citizens of this State, pursuant to instructions suggested to have been given by the late Gov<sup>r</sup>. Chittenden, and soliciting the privilege of furnishing such arms &c. was sent up from the house with this order thereon.

"In General Assembly Nov. 4, 1801.

This communication read and referred to M<sup>r</sup>. Chipman, M<sup>r</sup>. Theot<sup>s</sup> Harrington and M<sup>r</sup>. Witherell to join such Committee as the Council may appoint, to sit immediately, state facts, and make report.

Attest JA<sup>S</sup> ELLIOT *Clerk.*"

And the same being read, Ordered, That Mr. Galusha and Mr. Chamberlain join the aforesaid Committee.

On motion, Mr. Galusha obtained leave to introduce a bill Entitled "An act in addition to an act Entitled 'An act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating Judicial proceedings,'" and the same being read and considered, Resolved, That the said bill do pass, and Ordered, that it be engrossed and sent to the house for their revision &c.

The following written message was received from the house:

"In General Assembly Nov. 3, 1801.

The amendments of the Governor and Council to the bill Entitled "An act in addition to and in alteration of an act Entitled 'An act in addition to an act Entitled 'An act directing the publication of advertisements in the newspapers therein mentioned &c.''" and to the bill Entitled "an act establishing the location of public lands in Robinson district in the town of Woodford," have been concurred by the house and the bills are passed as amended. Attest JA<sup>s</sup> ELLIOT Clerk."

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, "An act in addition to an act Entitled 'An act for the punishment of certain inferior crimes and misdemeanors,'" "An act appointing a Committee to lay out and survey a County road from the Court-house in Newfane in the County of Windham to the north line of said County, in a direction to Rutland," & "An act repealing an act Entitled 'An act for the preservation of Fish and Musk-rats,' passed 3<sup>d</sup> Nov. A. D. 1797," and the said bills being severally read and considered, Resolved, To concur in passing the same respectively into laws. Ordered, That the Secretary acquaint the house therewith.

A bill passed in the house of Representatives, Entitled "An act to encourage the increase of Sheep," was sent up for revision &c. and the same being read and amended, Resolved, To concur in passing said bill into a law, with the proposals of amendment accompanying the same.

The following written message was received from the house:

"In General Assembly Nov. 4<sup>th</sup> 1801.

The house have concurred in the bill sent down from Council Entitled "An act in addition to an act Entitled 'An act relating to the office and duty of Secretary of State,'" and the same has passed into a law. And they have concurred in the amendments of the Governor and Council to the bill Entitled "An act to incorporate the proprietors and owners of an aqueduct in the vicinity of Bellamaqueen Bay &c." and the bill as amended is passed into a law. Attest JA<sup>s</sup> ELLIOT Clk."

The Council adjourned to 9 O'clock Tomorrow morning.

THURSDAY, November 5<sup>th</sup> 1801, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, passed in the house of Representatives, Entitled "An act reviving an act Entitled 'An act laying a land tax on Topsham,'" was sent up for revision &c. and the same being read, Resolved, To concur with the house in passing the said bill into a law.

The following written message was received from the house:

"In General Assembly Nov. 5, 1801.

The General Assembly have concurred in a bill Entitled "An act in addition to an act Entitled 'An act constituting the supreme Court or

Judicature and County Courts, defining their powers, and regulating judicial proceedings," and the same is passed into a law. And they have referred to the next Session a bill sent down from the Governor and Council Entitled "An act directing the perambulation of the outlines of the several towns in this State."

Attest JAS<sup>S</sup>. ELLIOT Clerk."

A bill, passed in the house of Representatives, Entitled "An act restoring Solomon Curtiss to his law," was sent up for revision &c. and the same being read and considered, Resolved, That the Governor and Council do nonconcur with the house in passing the said bill into a law, and assign the following reasons for the same, viz.

1<sup>st</sup> That a large Committee of both houses, consisting of persons mutually agreed on by the Parties, have, after a full hearing, reported that the prayer thereof ought not to be granted.

2<sup>nd</sup>. That it appears from the statements made to the Council, that a material point upon which the said cause was decided before both the Freeholders and County Court, was the quality of a certain possession fence, by which said Patridge claimed possession, the true situation of which must from the nature of the case have been fully in the power of said Curtiss to have shown on trial, or afterwards, before he was precluded by law from being heard on a motion for a new trial before the County Court.

3<sup>rd</sup>. Because it appears inconsistent to the Council to grant the prayer of a petition contrary to the report of their Committee, without going into evidence on the merits of the petition in order to enable them to determine whether the Committee have misjudged in the business.

Ordered, That the same be transmitted to the house by the Secretary.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act for the relief of Moses L. Bayley of Newbury;" "An act repealing an act Entitled 'an act dividing the State into districts for the election of Representatives to the Congress of the United States, and directing the mode of their election;'" "An act laying a tax of three cents per acre on Walden Gore;" & "An act to prevent damage which may be done by timber to the owners of lands lying on and adjoining Connecticut River;" and the same being severally read & considered, Resolved, To concur in passing the said bills respectively into laws.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of two cents on each acre of land in the town of Somerset," was sent up for revision &c. and being read & amended, Resolved, To concur in passing the said bill into a law with the proposal of amendment accompanying the same.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act appointing a Committee to lay out and survey certain roads therein mentioned," was sent up for revision &c. and the same being read and considered, Resolved, That it be recommended to the General Assembly to refer the consideration of said bill to the next session of the legislature. Ordered, That the Secretary acquaint the house therewith.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act appointing Commissioners to ascertain the Claims of the different claimants to the township of Danville, and report a plan from which a Charter may issue which will do justice to the several parties concerned," and "An act reviving an act Entitled 'An act granting a tax of one half penny on each acre of land in the township of Alburgh;'" and the said

bills being severally read and considered, Resolved, To concur in passing the same respectively into laws.

The following resolution was sent up from the house of Representatives :

“ In General Assembly Nov. 5, 1801.

Resolved, the Governor and Council concurring therein, that the Secretary of State transmit to the Governor of this State five copies of the concurrence of the legislature of this State to the Resolutions from the legislature of the State of Maryland, properly authenticated, as passed by both houses, under the seal of his office. And further Resolved, That his Excellency be and he hereby is requested to transmit a copy of such concurrence, authenticated as aforesaid, to each of the Senators and Representatives in Congress, and inform our Senators that it is our wish that they should esteem themselves instructed, and the Representatives that they should esteem themselves requested, to afford their aid in carrying such concurrence into effect.

Extract from the Journals. Attest JAS<sup>ES</sup> ELLIOT Clerk.”

And the same being read, Resolved, That the Governor and Council do concur therein.

A bill, passed in the house of Representatives, Entitled “An act for the laying a Post-Road from the north line of Huntsburgh [Franklin] in the County of Franklin to Hinesburgh in the County of Chittenden,” was sent up for revision &c. and the same being read, Resolved, That it be recommended to the General Assembly to refer the consideration of said bill to the next session of the Legislature, and Mr. White was requested to carry down said bill and assign the reasons for said recommendation.

A bill passed in the house of Representatives, Entitled “An act establishing certain divisions of lands in the township of Fairfax,” was sent up for revision &c. and being read and amended, Resolved, To concur in passing the same as amended, and Mr. Spooner appointed to carry down said bill and inform the house of the reasons of Council in proposing the said amendments.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: “An act in addition to an act Entitled ‘an act defining what shall be deemed and adjudged a legal settlement, and for the support of the poor, for designating the duties and powers of the overseers of the poor, and for the punishment of idle and disorderly persons,’ and for repealing part of the same;” “An act to repeal an act passed the 4<sup>th</sup> day of November 1797, establishing for the time being the jurisdictional lines between the towns of Newbury, Topsham, Orange, Barre, Corinth, Washington, and Williamstown;” “An act in alteration of an act Entitled ‘an act granting to Daniel Taylor and his associates the privilege of erecting a toll bridge over West River, in the town of Dummerston,’ passed Oct. 28<sup>th</sup> 1797;” “An act empowering the Judge of Probate for the district of Caledonia to grant license to Enos Stevens to sell certain lands;” “An act explanatory of an act Entitled ‘An act relating to Goals and Goalers, and for the relief of persons imprisoned therein;” & “An act to free the body of Nathaniel B. Dodge from arrest on civil process, for the time therein mentioned;” and the said [bills] being severally read & Considered, Resolved, To concur with the house in passing the same respectively into laws. Ordered, That the Secretary acquaint the house therewith.

Mr. White, from the Committee appointed on the bill Entitled “An act to prevent duelling,” reported sundry amendments to be made

therein, which report was accepted & then it was Resolved, To concur in passing the same as amended.

On motion, Resolved, The house of Representatives concurring therein, that the Governor and Council meet the General Assembly, in the Representatives' room, at eleven O'clock tomorrow morning, for the purpose of adjourning the Legislature without day. Ordered, That the same be transmitted to the house by the Secretary. The above resolution was returned from the house concurred.

The Council adjourned until 8 O'clock tomorrow morning.

#### FRIDAY November 6<sup>th</sup> 1801, 8 O'clock A. M.

The Council met pursuant to adjournment.

On motion, Resolved, That M<sup>r</sup>. Allis, assisted by the Secretary, be a Committee to prepare the Debenture of Council.

A bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled 'An act in addition to and in alteration of an act Entitled An act directing the publication of advertisements in the newspapers therein mentioned,'" was sent up for revision &c. and being read, Resolved, To concur with the house in passing the said bill into a law.

M<sup>r</sup>. Theo<sup>s</sup>. Harrington, Member of the house, returned to Council the bill Entitled "An act restoring Solomon Curtiss to his law in a certain case," which the Council had nonconcurred, and informed them that the house insisted upon the passing of said bill, and after having assigned the reasons of the house for the same, he withdrew. The said bill being again read and considered, Resolved, To recede from the vote nonconcurring said bill, and to concur in passing the same with the proposal of amendment transmitted with said bill.

M<sup>r</sup>. Allis reported the Debenture of Council, which was accepted as follows, viz.

	Travel	Amt. of Trav.	Days of Attend.	Amt of Attend'nce	Whole Amt.
His Honor Paul Brigham Lt Gov <sup>r</sup> .....	34	\$4.08	30	\$120.00	\$142.08
The Hon <sup>ble</sup> Elisha Allis.....	40	4.80	30	45. "	49.80
" " Wm. Chamberlin....	20	2.40	30	45. "	47.40
" " Noah Chittenden....	70	8.40	21	31.50	39.90
" " Jonas Galusha.....	134	16.08	30	45. "	61.08
" " Stephen Jacob.....	54	6.08	9	13.50	19.98
" " Beriah Loomis.....	24	2.88	29	43.50	46.38
" " Ebenezer Marvin....	122	14.64	22	33. "	47.64
" " Solomon Miller.....	72	8.64	28	39. "	47.64
" " Elijah Robinson....	64	7.68	30	45. "	52.68
" " Samuel Safford.....	142	17.04	30	45. "	62.04
" " John Strong.....	105	12.60	30	45. "	57.60
" " Eliakim Spooner....	83	9.96	21	31.50	41.46
" " John White.....	95	11.40	30	45. "	56.40
" " Benjamin Burt.....	80	9.60	2	3. "	12.60
" " Abel Spencer.....	80	9.60	2	3. "	12.60
Richard Whitney Secretary .....	103	12.36	30	75. "	87.36
Josiah Edson Sheriff.....	41	4.92	30	45. "	49.92
	..	..	..	..	\$916.56

Ordered, That the Sheriff receive the am<sup>t</sup> of the above debenture and pay it over to the several persons therein named.

A bill, passed in the house of Representatives, Entitled "An act exonerating the body of Ira Allen Esquire, from personal arrests and

imprisonment on civil process, as therein provided and limited," was sent up for revision &c. and being read, Resolved, To concur with the house in passing the said bill into a law.

The following written message was received from the house:

"In General Assembly Nov. 6, 1801.

The General Assembly have concurred in the amendments proposed by the Governor and Council to the following bills, viz. A bill Entitled "An act in addition to an act Entitled 'An act granting to John W. Blake, Calvin Knoulton and their associates, the privilege of building a toll bridge over West River in Brattleboro;'" A bill Entitled "An act to prevent duelling;" A bill Entitled "An act establishing certain divisions of lands in the town of Fairfax;" and A bill Entitled "An act laying a tax of two cents on each acre of land in the township of Somerset."

Attest JA<sup>s</sup>. ELLIOT, *Clk.*"

Resolved, The house of Representatives concurring therein, that the General Assembly be requested to meet the Governor and Council in joint Committee in the Representatives' room, at the time they shall attend to adjourn the Session of the legislature, for the purpose of electing a Judge of Probate for the district of Bennington for the time being to supply the vacancy occasioned by the resignation of the hon'ble Jonathan Robinson Esq<sup>r</sup>. of that office. The above resolution was returned from the house concurred.

On motion, Resolved, That the Second Wednesday of April next be observed & kept as a day of humiliation, fasting and prayer throughout this State, and that the Governor issue his proclamation accordingly.

Mr. Witherell, Member of the house of Representatives, informed the Council that he was directed by the house to acquaint them that there was no business before that body.

A bill, passed in the house of Representatives, Entitled "An act making appropriations for the support of Government the present session, and from thence to the Session of the General Assembly in October 1802, and for other purposes," was sent up for revision &c. and being read and amended, Resolved, To concur in passing said bill as amended, & the L<sup>t</sup> Governor requested to carry down the same, and inform the house of the reasons of the Governor and Council in proposing the said amendments.

The Council were notified that the house concurred in the same.

The Governor and Council then repaired to the Representatives' room, met the house in joint Committee, Elected [Josiah Wright] a Judge of Probate for Bennington district, and after an appropriate prayer by the Chaplain, both houses were adjourned without day, and public proclamation thereof made by Sheriff Edson. A true Journal.

Attest [RICHARD WHITNEY,] *Secretary.*



# TWENTY-SIXTH COUNCIL.

OCTOBER 1802 TO OCTOBER 1803.

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ISAAC TICHENOR, Bennington, *Governor.*

PAUL BRIGHAM, Norwich, *Lieut. Governor.*

## *Councillors:*

SAMUEL SAFFORD, Bennington,  
JOHN STRONG, Addison,  
WM. CHAMBERLAIN, Peacham,  
JONAS GALUSHA, Shaftsbury,  
JOHN WHITE, Georgia,  
SOLOMON MILLER, Williston,

ELISHA ALLIS, Brookfield,  
NOAH CHITTENDEN, Jericho,  
BERIAH LOOMIS, Thetford,  
ELIAKIM SPOONER, Westminster,  
JAMES WITHERELL, Fairhaven,  
STEPHEN WILLIAMS, Rutland.

RICHARD WHITNEY, Guilford, *Secretary.*

LEMUEL WHITNEY, Brattleborough, *Sec. pro tem.*

JAMES SAWYER, Burlington, *Sheriff.*

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## BIOGRAPHICAL NOTICES.

Doctor JAMES WITHERELL, born in Mansfield, Mass., June 16 1759, descended from an English family who came to Massachusetts soon after the voyage of the Mayflower. In his 16th year he volunteered in the revolutionary service, continued through the entire war, was engaged in many battles, once wounded, and received a commission in the 11th continental regiment of Massachusetts. When he was discharged he had seventy dollars in continental money as the avails of eight years of military service. "With this he treated a brother officer to a bowl of punch, and set out penniless to fight the battle of life." He prepared himself with Doct. Billings of Mansfield for the medical profession, and in 1789 commenced practice at Fairhaven. In 1790 he married Amy Hawkins of Fairhaven, youngest daughter of Charles Hawkins, Esq., who had then recently come from Smithfield, R. I., and who was a lineal descendant of Roger Williams. Mr. Witherell represented Fairhaven 1798 until 1802, and was elected in 1802 but left the House and served in the Council. He was Councillor 1802 until 1807, when he was elected to Congress; but in 1808, before his Congressional term had expired, he was appointed by President Jefferson as one of the

judges of the territory of Michigan, an office embracing a variety of legislative and executive duties as well as judicial, and to which Judge Witherell added important military services in the war of 1812. On the fall of Detroit, Witherell refused to surrender a corps which he commanded, but permitted his men to disperse; while he himself, with a son and son-in-law, became prisoners. On being paroled, the three rejoined the family at Fairhaven, and there remained until they were exchanged. Judge Witherell then resumed his office in Michigan, and held it until he was permitted, by President John Quincy Adams, to exchange the judgeship for the office of Secretary of the Territory. He was Assistant Judge of Rutland County Court 1801 until 1803, and Chief Justice 1803 until 1806. He died at Detroit, Jan. 9, 1838, in his 79th year.—See Adams's *History of Fairhaven* for these and other particulars of Judge Witherell and his family; and Deming's *Catalogue*.

STEPHEN WILLIAMS entered upon the duties of Councillor without any previous legislative experience, and held that office only one year. He was nevertheless a valuable officer of his town, and doubtless his lack of wider official services was due to his modesty or disinclination. John A. Graham, an intimate acquaintance, gave Mr. Williams an admirable character—thus:

The hospitality of his disposition towards strangers would alone be sufficient to endear him to all who know him; but the same generous turn of mind leads him to far nobler exertions of benevolence—to cheer the broken heart, to wipe the tear from the pale cheek of poverty, and to bid the friendless widow and orphan look up and smile. These are the actions that crown his days, and give to his temper that sweet serenity which only goodness can bestow.—Graham's *Descriptive Sketch of the present State of Vermont*, [London, 1797,] p. 69.

**RECORD OF THE GOVERNOR AND COUNCIL**  
**AT THE**  
**SESSION OF THE GENERAL ASSEMBLY AT BURLINGTON,**  
**OCT. 1802.**

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STATE OF VERMONT ss.

A Journal of the proceedings of the Governor and Council of the State of Vermont, at their session begun and held at Burlington within and for said State, on the second Thursday of October, being the fourteenth day of said month, in the year of our Lord one Thousand eight hundred and two, and of the Independence of the United States the Twenty seventh.

Present His Excellency, Isaac Tichenor, Governor—His Honor, Paul Brigham, L<sup>t</sup> Governor—of the Council, The Hon<sup>ble</sup> William Chamberlain, Samuel Safford, Jonas Galusha, John Strong, Solomon Miller, John White, Ebenezer Marvin, Elisha Allis, Beriah Loomis, Elisha Robinson, Noah Chittenden & Eliakim Spooner. Richard Whitney *Secretary*—James Sawyer Esq<sup>r</sup>. *Sheriff of Chittenden County*.

Resolved, That a Committee consisting of Seven members be appointed jointly with such Committee as may be chosen by the house of Representatives, to receive, sort and count the votes for Governor, L<sup>t</sup> Governor, Treasurer and Councillors, for the year ensuing. Members chosen—Mr. Marvin, Mr. Robinson, Mr. Safford, Mr. Strong, Mr. Galusha, Mr. Allis and Mr. Spooner. And the said Committee were severally sworn to the faithful performance of their trust.

Adjourned to 5 O'clock P. M.<sup>1</sup>

5 O'CLOCK, P. M.

The Governor and Council on notice proceeded to the house of Representatives, and met that body in joint Committee, when the following report was handed in by Samuel Safford Esq<sup>r</sup>.

To the hon<sup>ble</sup> General Assembly of the State of Vermont now sitting: Your Committee appointed to receive, sort & count the votes for Governor, L<sup>t</sup> Governor, Treasurer, and Councillors for the year ensuing report,—That His Excellency Isaac Tichenor Esquire is duly elected Governor—That His Honor Paul Brigham Esq<sup>r</sup> is duly elected L<sup>t</sup> Governor—That Benjamin Swan Esq<sup>r</sup> is duly elected Treasurer—And That Jonas Galusha, Samuel Safford, Noah Chittenden, Beriah Loomis, William Chamberlain, John White, Solomon Miller, Stephen Williams, Elisha Allis, James Witherell, Eliakim Spooner and John Strong Esq<sup>r</sup> are duly elected Councillors. All which is respectfully submitted by  
**SAM<sup>L</sup>. SAFFORD** *for the Committee*.

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<sup>1</sup>The sermon was preached by Rev. Dr. Jeremiah Atwater, President of Middlebury College.

The same being read, James Sawyer Esquire, Sheriff of the County of Chittenden, by public proclamation, declared said officers duly elected to the appointments annexed to their names respectively.

The Governor and Council returned to their Chamber and adjourned untill 10 O'clock tomorrow morning.

FRIDAY October 15<sup>th</sup> 1802, 10 O'clock A. M.

The Council met pursuant to adjournment: Present His Excellency Isaac Tichenor Governor—His Honor Paul Brigham L<sup>t</sup> Governor—of the Council, The Hon<sup>ble</sup> Jonas Galusha, Samuel Safford, Noah Chittenden, Beriah Loomis, William Chamberlain, John White, Solomon Miller, Elisha Allis, Eliakim Spooner, & John Strong Esquires. James Sawyer Esquire *Sheriff*.

In consequence of the indisposition of Richard Whitney Secretary to the Governor and Council, Lemuel Whitney Esq<sup>r</sup>. was appointed to perform the duties of that office for the time being, and was duly qualified.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

Ordered, That the Secretary issue a letter of notice to Stephen Williams Esquire, a new member of the Council, of the following tenor, viz.

*Stephen Williams Esq<sup>r</sup>. Sir*—By the report of a Committee appointed to receive, sort and count the votes for Governor, L<sup>t</sup> Governor, Treasurer and Councillors for the year ensuing, you have been duly elected a Councillor, and as such have been declared. You will therefore be pleased to join the Council as a member as soon as possible after receiving this notice. By direction of his Excellency and the hon<sup>ble</sup> Council I am &c

LEMUEL WHITNEY *Sec<sup>r</sup>. pro tem.*

Mr. Harrington, a member of the house of Representatives, appeared and acquainted the Governor and Council that the house were organized and ready to receive any communications which his Excellency should be pleased to make. Ordered, By his Excellency, That the Secretary acquaint the house of Representatives that the Governor accompanied by the Council will meet that body in the Representatives' room tomorrow morning at 9 O'clock, or at such hour as the house may appoint, to take the necessary oaths and make his communications.

The Petition of the Windsor and Woodstock Turnpike Company was received from the house of Representatives with this order endorsed thereon:

"In General Assembly Oct. 15, 1802.

Read and referred to Mr. Levi House, Mr. Thos. Hammond & Mr. Chipman, to join a Committee from Council to state facts and make report.

Attest JAS. ELLIOT *Clerk.*"

And the same being read, Ordered, That Mr. Loomis join the aforesaid Committee.

The Council adjourned to 9 O'clock Tomorrow morning.

SATURDAY, October 16<sup>th</sup> 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

His Excellency, accompanied by the Council, proceeded to the Representatives' room and after taking the necessary oaths delivered the following speech to both branches of the legislature.—[For speech see *Appendix J.*]

The Governor and Council returned to their Chamber.

James Witherell Esq<sup>r</sup> elected a Councillor for the year ensuing, appeared in the Council Chamber, accepted his appointment, and after taking the necessary oaths was admitted to a seat.

The following resolution was [resolutions were] received from the house :

"In General Assembly Oct. 15, 1802.

On motion, Resolved, That a Committee of three members be appointed, to join such Committee as the Governor and Council may appoint, to be denominated the first land Tax Committee, to whom petitions praying for land taxes shall be referred. Members chosen—Mr. Dunbar, Mr. Theophilus Harrington and Mr. Huntington.

On motion, Resolved, That the said Committee be directed to report the number and amount of all taxes on lands on which a tax is now prayed for.

Resolved, That all land Committees already appointed, or hereafter to be appointed, be enjoined to state to the house whether any objection is made to the petitions which may respectively come before them.

Extract from the Journals. Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Ordered, That Mr. Chamberlain join the aforesaid Committee.

A petition from the Selectmen of the town of Cabot, and one from sundry Inhabitants of the town of Mansfield, praying for land taxes on said towns, were received from the house with this order on each:

"In General Assembly Oct. 15, 1802.

Read and referred to the First land tax Committee.

Att. JA<sup>s</sup>. ELLIOT Clk."

And the same being severally read, Resolved, That the Council do concur in the orders thereon.

The following resolution was received from the house :

"In General Assembly Oct. 15, 1802.

Resolved, That a Committee of five, to join a Committee from Council, be appointed to whom all petitions for new trials shall be referred. Members chosen—Mr. Chittenden, Mr. Seth Paine, Mr. Moses Robinson [of Bennington,] Mr. Harvey and Mr. Chipman. Extract from the Journals. Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Resolved, That Mr. Safford do join the aforesaid Committee.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The Council met pursuant to adjournment, and having no business before them, adjourned untill 10 O'clock Monday morning.

MONDAY, October 18<sup>th</sup> 1802, 10 O'clock A. M.

The Council met pursuant to adjournment.

The petition of John Sargeant and others praying to be incorporated as a Company of Artillery in the second Regiment second Brigade and second division of the Militia of this State, was received from the house, with this order thereon :

"In General Assembly Oct. 18, 1802.

Read and referred to Mr. Martindale, Mr. Tho<sup>s</sup>. Hammond, and Mr. Newell, to join such Committee as the Governor and Council may appoint. Attest JA<sup>s</sup>. ELLIOT, Clerk."

And the same being read, Ordered, That Mr. Galusha join the aforesaid Committee.

The petition of Asaph Sheldon and others, praying to be incorporated as a Company of Artillery in the second regiment first Brigade and second Division of the Militia of this State, and a petition from a number of the Inhabitants of the town of Chester, were received from the house, with this order on each:

“In General Assembly Oct. [18] 1802.

Read and Referred to the Committee on the petition of John Sergeant and others.

Attest JA<sup>s</sup>. ELLIOT Clerk.”

And the same being read, Resolved, To concur with the house in their order thereon.

The following Resolution was received from the house:

“In General Assembly Oct. 18<sup>th</sup>. 1802.

Resolved, the Governor and Council concurring therein, that both branches of the legislature meet in their respective houses, on Tuesday morning, precisely at the hour of ten o'clock, and then and there proceed to ballot for a suitable person as Senator to represent this State in the Congress of the United States for six years from and after the fourth [third] of March next—And that immediately afterwards both houses meet in the Representatives' room for the purpose of declaring the person elected. And if the two branches do not agree on the same person, that then they proceed by joint ballot to elect a suitable person as Senator as aforesaid. Extract from the Journals.

Attest JA<sup>s</sup>. ELLIOT Clk.”

And the same being read, Resolved, That the Governor and Council do concur therein.

The following resolution was received from the house :

“In General Assembly Oct. 18, 1802.

Resolved, the Governor and Council concurring therein, that both houses meet in the Representatives' room, in joint Committee, on Tuesday at two O'clock in the afternoon, for the purpose of proceeding by joint ballot to elect Judges of the Supreme Court, and of declaring the persons so elected. Extract from the Journals.

Attest JA<sup>s</sup>. ELLIOT, Clerk.”

And the same being read, Resolved, That the Governor and Council do concur therein.

A petition from the Inhabitants of Benson, and a remonstrance accompanying the same, were received from the house, with this order on the same :

“In General Assembly Oct. 18<sup>th</sup>. 1802.

Read and referred to Mr. Theo<sup>r</sup>. Harrington, Mr. Niles and Mr. Moses Robinson, to join such Committee as the Governor and Council may appoint.

Attest JA<sup>s</sup>. ELLIOT, Clerk.”

And the same being read, Ordered, That Mr. Miller do join the aforesaid Committee.

The following resolution was received from the house :

“In General Assembly Oct. 18, 1802.

Resolved, the Governor and Council concurring therein, That the members of both houses meet in County Conventions at three O'clock afternoon on Tuesday next for the purpose of making County nominations for County officers : and that both houses convene in joint Committee on Wednesday next, at ten O'clock, forenoon, in the Representatives' room, for the purpose of receiving such nominations and making appointments of such officers. Extract from the Journals.

Attest JA<sup>s</sup>. ELLIOT Clerk.”

And the same being read Resolved, That the Governor and Council do concur therein.

The petition of the Proprietors of Pawlet was rec<sup>d</sup> from the house, with this order thereon:

“ In General Assembly Oct. 18, 1802.

Read and referred to a joint Committee on the petition from Benson.

Attest JA<sup>s</sup> ELLIOT, Clerk.”

And the same being read, was referred accordingly.

A petition from the land owners of Coit's Gore, and one from the Selectmen of Canaan, praying for land taxes, were received from the house, with this order on each:

“ In General Assembly Oct. 18, 1802.

Read and referred to the First land tax Committee.

Attest JA<sup>s</sup> ELLIOT, Clerk.”

And the same being read, Resolved, to concur with the house in their reference of the same.

The Petition of Ebenezer Allen against Stephen Pearl, one from John Pomeroy against David Fairwell, and one from Jonas Matthews against D. Huntington, praying for new trials in those respective cases, were receiv'd from the house, with this or a similar order on each:

“ In General Assembly Oct. 18<sup>th</sup> 1802.

Read and referred to the Committee on Petitions for new trials.

Attest JA<sup>s</sup> ELLIOT Clerk.”

And the same being read, Resolved, To concur with the house in their reference of the said petition.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The petition of Stephen Conant was received from the house with this order thereon:

“ In General Assembly Oct. 18, 1802.

Read and referred to M<sup>r</sup>. Chipman, M<sup>r</sup>. Hay and M<sup>r</sup>. Blake to join such Committee as the Governor and Council may appoint.

Attest JA<sup>s</sup> ELLIOT Clerk.”

And the same being read, Resolved, That M<sup>r</sup>. Chittenden do join the aforesaid Committee.

The petition of Amasa Green against S. Chase & S. Cleaveland was sent up from the house, with this order thereon:

“ In General Assembly Oct. 18<sup>th</sup> 1802.

Read and referred to the joint Committee on petitions for new Trials.

Attest JA<sup>s</sup> ELLIOT Clerk.”

And the same being read, Resolved, To concur with the house in the reference of the same.

A petition from the Inhabitants of Pawlet was sent up from the house with this order thereon:

“ In General Assembly Oct. 18, 1802.

Read and referred to M<sup>r</sup>. Leland, M<sup>r</sup>. Lyon and M<sup>r</sup>. Niles to join such Committee as the Governor and Council may appoint.

Attest JA<sup>s</sup> ELLIOT Clerk.”

And the same being read, Ordered, That M<sup>r</sup>. Allis do join the aforesaid Committee.

A petition from Cyrus Martin and others, one from Zenas Allen, and one from Ashur Southard and others, were received from the house with this order on each.

“ In General Assembly Oct. 18<sup>th</sup> 1802.

Read and referred to the Committee upon the petition of John Sargeant and others.

Attest JA<sup>s</sup> ELLIOT Clerk.”

And the same being read, Resolved, To concur with the house in the aforesaid reference.

A petition from the proprietors of Enosburgh was received from the house with the following order thereon:

“In General Assembly Oct. 18, 1802.  
Read and referred to the first land tax Committee.

Attest JA<sup>S</sup>. ELLIOT Clerk.”

And the same being read, Resolved, To concur with the house in the aforesaid reference.

The following resolution was received from the house of Representatives, viz.

“In General Assembly Oct. 18, 1802.

Resolved, That a Committee of three members be appointed, to join such Committee as the Governor and Council may appoint, to be denominated the Second Land Tax Committee. Members Chosen—Mr. Ja<sup>S</sup>. Fisk, Mr. Olin and Mr. Miles. Extract from the Journals.

Attest JA<sup>S</sup>. ELLIOT Clerk.”

And the same being read, Ordered, That Mr. Spooner do join the aforesaid Committee.

The petition of Caleb Gannet and John Mellen was received from the house with this order on the same:

“In General Assembly Oct. 18, 1802.

Read and referred to Mr. Hunt, Mr. Linsley and Mr. Jacob Smith, to join such Committee as the Governor and Council may appoint.

Attest JA<sup>S</sup>. ELLIOT, Clerk.”

And the same being read, Ordered, That Mr. White do join the aforesaid Committee.

A petition from the Inhabitants of Harwich [Mount Tabor] was received from the house of Representatives, with this order thereon:

“In General Assembly Oct. 18, 1802.

Read and referred to Mr. Chipman, Mr. Moses Robinson and Mr. Theo<sup>S</sup>. Harrington to join such Committee as the Governor and Council may appoint.

Attest JA<sup>S</sup>. ELLIOT Clerk.”

And the same being read, Ordered, That Mr. Spooner do join the aforesaid Committee.

The petition of John Minkler and others was received from the house with this order thereon:

“In General Assembly Oct. 18, 1802.

Read and referred to the joint Committee appointed upon the petition of sundry Inhabitants of the Town of Harwich.

Attest JA<sup>S</sup>. ELLIOT Clerk.”

And the same being read, Resolved, To concur with the house in the aforesaid reference.

Three petitions from a number of the Inhabitants of Addison were received from the house with this order thereon:

“In General Assembly Oct. 18, 1802.

Read and referred to Mr. Chipman, Mr. Woodbridge and Mr. Linsley, to join such Committee as the Governor and Council may appoint.

Attest JA<sup>S</sup>. ELLIOT Clerk.”

And the same being read, Ordered, That Mr. Galusha do join the aforesaid Committee.

A petition from the Inhabitants of Whitingham was received from the house with this order thereon:

“In General Assembly Oct. 18<sup>th</sup>. 1802.

Read and referred to the First land tax Committee.

Attest JA<sup>S</sup>. ELLIOT Clerk.”

And the same being read, Resolved, To concur with the house in the aforesaid reference.



A petition from the Inhabitants of Bristol, one from the Inhabitants of Brunswick, one from the Inhabitants of Moretown, one from sundry Inhabitants of the County of Orleans, one from the Inhabitants of Newbury, and one from the Inhabitants of Sheffield, were received from the house of Representatives, with this order on each:

"In General Assembly Oct. 18, 1802.

Read and referred to the Second land tax Committee.

Attest JAMES ELLIOT *Clerk.*"

And the same being severally read, Resolved, To concur with the house in their said reference.

The following resolution was received from the house:

"In General Assembly Oct. 18, 1802.

Resolved, that a Committee of three be appointed, to join such Committee as the Governor and Council may appoint, to be denominated the Third land Tax Committee. Members chosen—M<sup>r</sup> Kingsley, M<sup>r</sup> Jabez Jones and M<sup>r</sup> Janes. Extract from the Journals.

Attest JAS<sup>s</sup> ELLIOT *Clerk.*"

And the same being read, Resolved, That M<sup>r</sup> Strong do join the aforesaid Committee.

A petition from the proprietors of Norfolk [Canaan] was received from the house with this order thereon:

"In General Assembly, Oct. 18, 1802.

Read and referred to the third land tax Committee.

Attest JAS<sup>s</sup> ELLIOT *Clerk.*"

And the same being read, Resolved, To concur with the house in the aforesaid reference.

A petition from William Johnson was received from the house with the following order thereon:

"In General Assembly Oct. 18, 1802.

Read and referred to M<sup>r</sup> J. Wright, M<sup>r</sup> Richards and M<sup>r</sup> Hay to join such Committee as the Governor and Council may appoint.

Attest JAS<sup>s</sup> ELLIOT *Clerk.*"

And the same being read, Ordered, That M<sup>r</sup> Safford do join the aforesaid Committee.

A petition from W<sup>m</sup> Goodrich was received from the house with this order thereon:

"In General Assembly Oct. 18, 1802.

Read and referred to the Committee on the petition of W<sup>m</sup> Johnson, with the addition of M<sup>r</sup> Shafter. Attest JAS<sup>s</sup> ELLIOT *Clerk.*"

And the same being read, Resolved, To concur with the house in the aforesaid reference.

The petition of Elisha Taylor against Enoch Woodbridge, praying for a new trial, was received from the house with this order thereon:

"In General Assembly Oct. 18, 1802.

Read and referred to M<sup>r</sup> Josiah Wright, M<sup>r</sup> Chittenden and M<sup>r</sup> Lyon to join such Committee as the Governor and Council may appoint.

Attest JAS<sup>s</sup> ELLIOT, *Clerk.*"

And the same being read, Ordered, That M<sup>r</sup> Witherell do join the aforesaid Committee.

A petition for a Turnpike Road from Sudbury to Hubbarton was received from the house with this order thereon:

"In General Assembly Oct. 18, 1802.

Read and referred to M<sup>r</sup> Spooner, M<sup>r</sup> Keyes and M<sup>r</sup> Chipman, to join such Committee as the Governor and Council may appoint.

Attest JAS<sup>s</sup> ELLIOT *Clerk.*"

And the same being read, Ordered, That M<sup>r</sup> Strong do join the aforesaid Committee.

Resolved, That a Committee of three members be appointed to join a Committee from the house of Representatives, to enquire whether any and what alterations and amendments are necessary to be made to the present existing laws — And also, to enquire what additional laws it will be expedient or necessary to pass the present session, and to report by bill or otherwise. Members Chosen — Mr. Chamberlain, Mr. Galusha and Mr. Witherell.

The Council adjourned untill 9 O'clock Tomorrow morning.

TUESDAY, October 19<sup>th</sup> 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

Stephen Williams Esquire, who was declared duly elected a Councilor, appeared in the Council Chamber, accepted his appointment, and after taking the necessary oaths, was admitted to a seat.

A petition from a number of the Inhabitants of Pittsfield praying for a land tax, was sent up from the house with this order thereon :

"In General Assembly Oct. 18, 1802.

Read and referred to the first land tax Committee.

Attest JAS. ELLIOT, Clerk."

And the same being read, Resolved, To concur with the house in the aforesaid reference.

Benjamin Swan Esquire, Elected Treasurer of the state for the year ensuing, appeared in the Council Chamber, produced his bonds, which being accepted and approved by and before the Governor & Council, the necessary oaths were administered to him by the Governor.

On motion, Ordered, That the Secretary acquaint the house of Representatives that, agreeably to the resolution of both houses of yesterday, the Council are convened and are now ready to proceed to ballot for a Senator to represent this State in the Congress of the United States.

Mr. Farrand, member from the house of Representatives, appeared in the Council Chamber and delivered the following message :

"May it please your Excellency, I am directed to acquaint your Excellency and the hon'ble Council that the house of Representatives are not prepared to proceed on the resolution of yesterday, for the purpose of balloting for a Senator to represent this State in the Senate of the United States," and he withdrew.

The following resolution was received from the house :

"In General Assembly Oct. 19<sup>th</sup> 1802.

Resolved, the Governor and Council concurring therein, that the resolution passed by the two houses yesterday, respecting the election of a Senator to represent this State in the senate of the United States, be and the same is hereby rescinded. Extract from the Journals.

Attest JAS. ELLIOT Clerk."

The above resolution was brought up by Mr. Hay, who, after assigning the reasons of the house therefor, withdrew, and the same being read, Resolved, To concur with the house in the same.

The following Resolution was received from the house, viz.

"In General Assembly Oct. 19, 1802.

Resolved, the Governor and Council concurring therein, that both branches of the legislature meet in their respective houses this morning, at ten O'clock, and then and there proceed to ballot for some suitable person as Senator to represent this State in the Senate of the United States, for six years from and after the third day of March next, and that immediately afterwards both houses meet in the Representatives' Room for the purpose of declaring the person elected, and that if the two

branches do not agree on the same person, that they then proceed by joint ballot to elect a suitable person as Senator as aforesaid.

Extract from the Journals. Attest JAS<sup>d</sup> ELLIOT *Clk.*"

And the same being read, Resolved, To concur with the house therein, with the following amendment, insert after the word "meet," in the eighth line, the words "in joint Committee." Ordered, That Mr. Withere'll carry the same to the house, with the said proposal of amendment.

The following verbal message from the house was delivered by Mr. Olin, a member thereof: May it please your Excellency, I am directed by the house to inform your Excellency and the Council, that the house have concurred in the amendment of the Council to the above resolution, and are now ready to proceed to ballot.

On motion, Resolved, That the Council do now proceed to take the ballots for a Senator agreeably to the concurrent resolution of both Houses of this Morning. The ballots being taken and examined, The hon'ble Israel Smith Esquire had a majority of all the Votes, and was declared duly elected on the part of the Governor and Council.

The following verbal message from the house was delivered by Mr. Lyon, a member thereof:

"May it please your Excellency, I am directed to acquaint your Excellency and the hon'ble Council, that the house of Representatives have completed, on their part, by ballot, the Election of a Senator, agreeably to the concurrent resolution of both houses, and are ready to meet the Governor and Council in joint Committee and compare their nominations."

Whereupon Resolved, That the Governor and Council do immediately repair to the Representatives' room for the above mentioned purpose.

After having convened in joint Committee the proceedings of the Council relative to the Election of a Senator were read, as also the proceedings of the house of Representatives, and it appearing from the proceedings of the two houses that they had both united in the same person, James Sawyer Esq<sup>r</sup>. Sheriff of the County of Chittenden, by public proclamation, declared the hon'ble Israel Smith Esquire duly elected a Senator, to represent this State in the Senate of the United States for six years from and after the third day of March next; and the Governor and Council returned to their Chamber.

The resolution, passed in Council yesterday, relative to appointing a Committee to join a Committee from the house for the purpose of examining the existing laws and making alterations if necessary, was returned from the house with this order thereon :

"In General Assembly Oct. 19, 1802.

Read and concurred, and Mr. Moses Robinson, Mr. Sam<sup>l</sup> Porter, Mr. Theo<sup>r</sup> Harrington, Mr. Keyes, Mr. Linsley, Mr. Niles, Mr. W. C. Harrington, Mr. Harvey, Mr. Farnsworth, Mr. Hinman & Mr. French are joined.

Attest JAS<sup>d</sup> ELLIOT *Clerk.*"

A Petition from Ripley Torry, praying for leave to plead double in a certain cause and for the admission of evidence, was received from the house with this order thereon :

"In General Assembly Oct. 18, 1802.

Read and referred to Mr. Emmons, Mr. Hinman and Mr. Harvey to join such Committee as the Governor and Council may appoint.

Attest JAS<sup>d</sup> ELLIOT *Clerk.*"

And the same being read, Ordered, That Mr. Chittenden do join the aforesaid Committee.

A petition from the proprietors of Landgrove and Benton's Gore, praying for the establishment of the dividing line &c. was received from the house with this order thereon :

"In General Assembly Oct. 18, 1802.

Read and referred to Mr. Linsley, Mr. Ormsby and Mr. Jon<sup>a</sup>. Baker to join such Committee as the Governor and Council may appoint.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Ordered, That Mr. Williams do join the aforesaid Committee.

A petition from the landowners of the township of Glover, and one for a land tax on Brownington, were received from the house with this order on each :

"In General Assembly Oct. 18, 1802.

Read and referred to the Second land tax Committee.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Resolved, To concur with the house in the aforesaid reference.

A petition for a Turnpike Road from Danby, thro' Harwich [Mount Tabor] to Dorset, was received from the house with this order thereon :

"In General Assembly Oct. 19, 1802.

Read and referred to the Committee on a petition for a turnpike from Sudbury to Hubbardton.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Resolved, To concur with the house in the aforesaid reference.

The petition of Joseph Dwight and Samuel Kellum, praying for a land tax, together with a remonstrance accompanying the same, were received from the house with this order on each :

"In General Assembly Oct. 18, 1802.

Read and referred to the third land tax Committee.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Resolved, To concur with the house in the afores<sup>d</sup> reference.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The Governor and Council proceeded to the house of Representatives and met the house in joint Committee for the purpose of electing the Judges of the Supreme Court of Judicature, agreeably to the concurrent resolution of both houses of yesterday. On motion Resolved, That when the two branches of the legislature shall meet in joint Committee, that his Excellency, and in his absence the Lt Governor, shall be chairman of such Committee, and that the Secretary of State, and in his absence the Secretary of the Governor and Council shall be Clerk of such Committee. His Excellency accordingly took the Chair. David Wing Jun<sup>r</sup>. Secretary of the State, Clerk. The ballots being taken for the Chief Judge of the Supreme Court, The hon<sup>ble</sup> Jonathan Robinson Esq<sup>r</sup>. was declared duly elected. The ballots being taken for the first Assistant Judge, The hon<sup>ble</sup> Royall Tyler Esq<sup>r</sup>. was declared duly elected. The ballots being taken for the second Assistant Judge, The hon<sup>ble</sup> Stephen Jacob was declared duly elected. The Governor and Council then returned to their Chamber.

A petition from Sundry Inhabitants of Duxbury, praying for a land tax, was received from the house with this order thereon:

"In General Assembly Oct. 19, 1802.

Read and referred to the Third land tax Committee.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Resolved, To concur with the house in the said reference.

The Council adjourned untill 9 O'clock tomorrow morning.

WEDNESDAY, October 20<sup>th</sup> 1802, 9 O'clock A. M.

The Governor and Council met pursuant to adjournment and proceeded to the Representatives' room and met the house in joint Committee for the purpose of receiving the several County nominations, and appointing the respective County officers, agreeably to the Concurrent resolution of both houses of Monday last—His Excellency in the Chair, David Wing Jr. Clerk. The joint Committee acted on the several County nominations as reported to the Committee, and adjourned to 2 O'clock P. M. The Governor and Council then returned to their Chamber and adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The Governor and Council pursuant to adjournment proceeded to the Representatives' room and met the house in joint Committee and again acted on the several county nominations as reported to the Committee, and after considerable progress made therein, the joint Committee adjourned untill Friday next, at 10 O'clock forenoon, and the Governor and Council returned to their Chamber.

A petition from the Inhabitants of Milton, praying for a land tax, was received from the house with this order thereon:

"In General Assembly Oct. 20<sup>th</sup> 1802.

Read and referred to the Third land tax Committee.

Attest JA<sup>s</sup> ELLIOT, Clerk."

And the same being read, Resolved, To concur with the house in their reference of the same.

A petition from Bethuel Finney, praying for a Turnpike Road &c. was rec<sup>d</sup> from the house with this order thereon:

"In General Assembly Oct. 20, 1802.

Read and referred to the Committee appointed on a similar petition from Sudbury to Hubbardton. Attest JA<sup>s</sup> ELLIOT Clerk."

And the same being read, Resolved, To concur with the house in the said reference.

Adjourned until 9 O'clock tomorrow morning.

THURSDAY, October 21<sup>st</sup> 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

The petition of Isaac and John Stevens against W<sup>m</sup> Sweester, praying to be restored to law &c. was sent up from the house with the following order thereon viz.

"In General Assembly Oct. 21, 1802.

Read and referred to the Committee on the petition of Elisha Taylor.

Attest JA<sup>s</sup> ELLIOT Clerk."

And the same being read, Resolved, To concur with the house in the aforesaid reference.

A petition from Tho<sup>s</sup> H. Parker for a land tax in Eden, was received from the house with this order thereon:

"In General Assembly Oct. 21, 1802.

Read and referred to the Third land tax Committee.

Attest JA<sup>s</sup> ELLIOT Clerk."

And the same being read, Resolved, To concur with the house in the aforesaid reference.

A petition from sundry inhabitants of the Town of Rutland praying for the removal of a dam across Otter Creek, was received from the house with the following orders thereon:

"In General Assembly Oct. 18, 1802.

Read and referred to the next Session. Oct. 21, Reconsidered the

above order, and Ordered, that this Petition be referred to Mr. T. Hammond, Mr. Flagg and Mr. Thorpe Porter, to join a Committee from Council.

Attest JA<sup>s</sup>. ELLIOT *Clerk.*"

And the same being read, Ordered, That Mr. Loomis do join the aforesaid Committee.

A bill Entitled "An act in addition to 'an act establishing a Corporation by the name of the Windsor and Woodstock Turnpike Company,'" was received from the house with this order thereon:

"In General Assembly Oct. 20<sup>th</sup>. 1802.

Read and recommitted to the joint Committee who reported it.

Attest JA<sup>s</sup>. ELLIOT *Clerk.*"

And the same being read, Resolved, To concur with the house in the said recommitment.

A bill, Entitled "An act establishing a Company of Artillery in the town of Pawlet," was received from the house with this order thereon:

"In General Assembly Oct. 21, 1802.

Read and committed to the joint Committee on the petition of John Sargeant and others.

Attest JA<sup>s</sup>. ELLIOT *Clerk.*"

And the same being read, Resolved, To concur with the house in the said commitment.

A bill Entitled "An act establishing a Company of Artillery in Rupert and its vicinity," was received from the house with the following order thereon:

"In General Assembly Oct. 21, 1802.

Read and committed to the joint Committee on the petition of John Sargeant & others.

Attest JA<sup>s</sup>. ELLIOT *Clerk.*"

And the same being read, Resolved, To concur with the house in the said commitment.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following resolution was received from the house:

"In General Assembly Oct. 21, 1802.

"Whereas this State, being entitled to four Representatives in the Congress of the United States, and there being no existing law for the election of such Representatives, Therefore Resolved, that a Committee consisting of one member from each County in this State be appointed to join such Committee as the Governor and Council shall appoint, to take into consideration the propriety of dividing this State into four districts for the purpose of electing Representatives to represent this State in the Congress of the United States, and to make report to this house, as soon as may be, by bill or otherwise. Members chosen—Mr. Moses Robinson, Mr. Richards, Mr. T. Harrington, Mr. Jac. Smith, Mr. Chipman, Mr. Bayley, Mr. W. C. Harrington, Mr. Blanchard, Mr. Francis Davis, Mr. Hinman, and Mr. French. Extract from the Journals.

Attest JA<sup>s</sup>. ELLIOT *Clerk.*"

And the same being read, Resolved, To concur with the house therein, and that Mr. Miller, Mr. Allis, and Mr. White do join the aforesaid Committee.

The following resolution was received from the house:

"In General Assembly Oct. 15, 1802.

Resolved, That a Committee consisting of eleven Members be appointed, to enquire and report whether any and if any what alterations ought to be made in the Judiciary System, to join such Committee as the Governor and Council may appoint. Members Chosen, Mr. D. Sheldon, Mr. Farrand, Mr. Speaker [Abel Spencer,] Mr. Spooner, Mr. Chipman, Mr. Ja<sup>s</sup>. Fisk, Mr. Hay, Mr. Blanchard, Mr. Levi House, Mr. Stanley and Mr. Dana.

Attest JA<sup>s</sup>. ELLIOT *Clerk.*"

And the same being read, Ordered, That Mr. Galusha, Mr. Chamberlain and Mr. Witherell do join the aforesaid Committee.

A bill passed in the house of Representatives, Entitled "An act in addition to an act Entitled 'An act granting a Lottery to Stephen Conant,'" was sent up for revision and concurrence or proposals of amendment, and being read, Ordered, That it be referred to Mr. Williams & Mr. Spooner.

The following bills, passed in the House of Representatives, were sent up for revision and concurrence or proposals of amendment, "An act altering the name of Hinesdale to that of Vernon," and "An act granting relief to the Committee for laying out the money raised by tax on lands in Ripton," and the same being severally read and considered, Resolved, To concur with the house in passing them respectively into laws. Ordered, That the Secretary acquaint the house with the same.

The petition of Seth Ford and others, praying for a grant of unlocated land &c. was received from the house with this order thereon:

"In General Assembly, Oct. 21, 1802.

This petition and the report thereon was read and referred to Mr. Sam<sup>l</sup> Shaw, Mr. Spooner, Mr. Stanley, Mr. Eben<sup>r</sup>. Wheelock and Mr. Chipman, to join such Committee as the Governor and Council may appoint.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Ordered, That Mr. Safford do join the aforesaid Committee.

A petition from the Selectmen of the town of Enosburgh & one from the Inhabitants of the Town of Berkshire, were received from the house with this order on each:

"In General Assembly Oct. 21, 1802.

Read and referred to the joint Committee on the petition of Seth Ford & others.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Resolved, To concur with the house in the aforesaid reference.

The petition of Robert Cochran, praying for a Lottery, was received from the house with the following order thereon:

"In General Assembly Oct. 21, 1802.

Read and referred to Mr. Niles, Mr. Ormsby and Mr. Keyes, to join such Committee as the Governor and Council may appoint.

Attest JA<sup>s</sup>. ELLIOT, Clerk."

And the same being read, Ordered, That Mr. Strong do join the aforesaid Committee.

The Committee appointed on the bill Entitled "An act in addition to an act Entitled 'An act granting a lottery to Stephen Conant,'" reported the following amendment: after the word "given," in the 2<sup>nd</sup>. line of the last section, insert these words, "or contracts made,"—which was adopted, and then Resolved, To concur with the house in passing the same as amended, & Ordered, That Mr. Witherell carry said bill to the house and assign the reasons for the said proposal of amendment.

Adjourned until 9 O'clock tomorrow morning.

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FRIDAY, October 22<sup>d</sup> 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolution was received from the house:

"In General Assembly Oct. 21, 1802.

Resolved, That a Committee of five be appointed to take into consideration the subject matter of a resolution adopted by the General Assembly respecting taking some effectual measure to encourage the arm-

ing and equipping of the Militia of this State at the public expense, and to report by bill or otherwise, to join such Committee as the Governor and Council may appoint. Members Chosen—M<sup>r</sup>. Chittenden, M<sup>r</sup>. Parley Davis, M<sup>r</sup>. Levi House, M<sup>r</sup>. Josiah Wright and M<sup>r</sup>. Blanchard.

Extract from the Journals. Attest JA<sup>s</sup>. ELLIOT *Clerk.*"

And same being read, Ordered, that M<sup>r</sup>. Chamberlain and M<sup>r</sup>. White do join the aforesaid Committee.

The following resolution was received from the house:

"In General Assembly Oct. 22<sup>nd</sup> 1802.

That a Committee of three be appointed, to join such Committee as the Governor and Council may appoint, to be denominated the Fourth Land Tax Committee, to whom Petitions for land Taxes shall be referred. Members chosen—M<sup>r</sup>. Shafter, M<sup>r</sup>. Edson & M<sup>r</sup>. Joshua Clapp. Extract from the Journals. Attest JA<sup>s</sup>. ELLIOT *Clerk.*"

And the same being read, Ordered, That M<sup>r</sup>. Williams do join the aforesaid Committee.

A petition for a land tax on the Township of Waterbury, one from the Inhabitants of Stow and others, praying for a land tax, and one for a land tax on Huntsburgh of two cents per acre, were received from the house with this order on each:

"In General Assembly Oct. 22<sup>d</sup> [1802.]

Read and referred to the third land tax Committee.

Attest JA<sup>s</sup>. ELLIOT *Clerk.*"

And the same being read, Resolved, To concur with the house in their reference of the same.

A petition for a land tax on the town of Westmore, and one for a land tax in Groton, were received from the house, with this order on each:

"In General Assembly Oct 22<sup>d</sup> 1802.

Read and referred to the fourth land tax Committee.

Attest JA<sup>s</sup>. ELLIOT *Clerk.*"

And the same being read, Resolved, To concur with the house in their reference of the same.

Pursuant to adjournment, the Governor and Council repaired to the Representatives' Room, and met the house in joint Committee, acted on the several County nominations as reported to the Committee, and adjourned to 2 O'clock P. M. The Governor and Council then returned to their Chamber and adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The petition of Zacheus Peaslee and others, praying for the exclusive privilege of building a wharf and Store house &c. was received from the house with this order thereon:

"In General Assembly Oct. 22<sup>nd</sup> 1802.

Read and referred to M<sup>r</sup>. S. B. Sheldon, M<sup>r</sup>. Chittenden, and M<sup>r</sup>. Farland, to join such Committee as the Governor and Council may appoint.

Attest JA<sup>s</sup>. ELLIOT *Clerk.*"

And the same being read, Ordered, That M<sup>r</sup>. Miller do join the aforesaid Committee.

A petition from sundry Inhabitants of the Town of Berkshire, praying for a tax for the purpose of repairing roads &c. was received from the house with this order thereon:

"In General Assembly Oct. 22, 1802.

Read and referred to the fourth land tax Committee.

Attest JA<sup>s</sup>. ELLIOT *Clerk.*"

And the same being read, Resolved, To concur with the house in the aforesaid reference.

Pursuant to adjournment, the Governor and Council repaired to the Representatives' Room for the purpose of completing the County



Elections and met the house in joint Committee; and on motion, the said Committee adjourned untill 10 O'clock tomorrow morning. The Governor and Council returned to their Chamber and adjourned untill 9 O'clock tomorrow morning.

SATURDAY October 23<sup>d</sup> 1802, 9 O'clock A. M.

The Governor and Council met pursuant to adjournment and repaired to the Representatives' room and met the house in joint Committee for the purpose of completing the Election of the several County officers, and having progressed therein, adjourned untill Tuesday morning next at 10 O'clock, and the Governor and Council returned to their Chamber.

A bill, Entitled "An act empowering the late Sheriff of the County of Orange to sign certain records," was received from the house with this order thereon :

"In General Assembly Oct. 23<sup>d</sup> 1802.

Read and referred to Mr. Theo<sup>a</sup> Harrington, Mr. Burton and Mr. Linsley, to join such Committee as the Governor and Council may appoint.

Attest JAS. ELLIOT Clerk."

And the same being read, Ordered, That Mr. Allis do join the aforesaid Committee.

The Petition of Solomon Norton, praying for relief in a certain case, was received from the house with this order thereon :

"In General Assembly Oct. 23, 1802.

Read and referred to Mr. Moses Robinson, Mr. Josiah Wright & Mr. Noyes, to join such Committee as the Governor and Council may appoint.

Attest JAS. ELLIOT Clerk."

And the same being read, Ordered, That Mr. Chittenden do join the aforesaid Committee.

A bill, passed in the house of Representatives, Entitled "An act in addition to 'an act establishing a Corporation by the name of the Windsor and Woodstock Turnpike Company,'" was sent up for revision &c. and being read, Resolved, To concur with the house in passing the same into a law.

Adjourned untill 10 O'clock Monday morning.

MONDAY, October 25<sup>th</sup> 1802, 10 O'clock A. M.

The Council met pursuant to adjournment and adjourned untill 2 O'clock P. M.

2 O'CLOCK P. M.

A petition from the Inhabitants of Moretown, praying for the confirmation of allotment of land &c. was received from the house, with this order thereon :

"In General Assembly Oct. 23, 1802.

Read and referred to Mr. Wait, Mr. Knapp and Mr. Thad. Taylor, to join such Committee as the Governor and Council may appoint.

Attest JAS. ELLIOT Clerk."

And the same being read, Ordered, That Mr. Spooner do join the aforesaid Committee.

A petition for a land tax in Highgate was received from the house with this order thereon :

"In General Assembly Oct. 23, 1802.

Read and referred to the first land tax Committee.

Attest JAS. ELLIOT Clerk."

And the same being read, Resolved, To concur with the house in the said reference.

A petition for a land tax in Stratton, and one for a land tax in Holland, were received from the house with this order on each:

"In General Assembly Oct. 23<sup>d</sup>. 1802.

Read and referred to the second land Tax Committee.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Resolved, To concur with the house in the said reference.

A petition for a land tax on Jay and Richford, one for a land tax on Danville and Deweysburgh, one for a land tax on Burke, one for a land tax on Westmore, and one for a land tax on Danville, were received from the house with this order on each:

"In General Assembly Oct. 23, 1802.

Read and referred to the fourth land tax Committee.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Resolved, To concur with the house in the said reference.

A petition for a land tax on Morgan alias Caldersburgh, Brownington's Gore and Whitelaw's Grant, was received from the house with this order thereon:

"In General Assembly Oct. 23, 1802.

Referred to the third land tax Committee.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Resolved, To concur with the house in the said reference.

A petition from the proprietors and landowners of Swanton, praying for a ratification of their proceedings &c. was received from the house with this order thereon:

"In General Assembly, Oct. 25<sup>th</sup>. 1802.

Read and referred to the Committee upon the petition from Benson to join &c.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Resolved, To concur with the house in the said reference.

A petition from John Seeley Jun<sup>r</sup> praying for an act of suspension, was received from the house with this order thereon:

"In General Assembly Oct. 25<sup>th</sup>. 1802.

Read and referred to the Committee on the petition of William Johnson, to join.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Resolved, To concur with the house in the said reference.

A petition from W<sup>m</sup>. Barton, praying for relief in a certain case, was received from the house with this order thereon:

"In General Assembly Oct. 25, 1802.

Read and referred to Mess<sup>rs</sup>. Jos. Wright, Hunt, T. Harrington, Emmons, Eben<sup>r</sup>. Wheelock, Ja<sup>s</sup>. Fisk, Chittenden, Harvey, Beaman, Weatherbee & Chapin, to join Committee from Council.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Ordered, That Mr. Loomis and Mr. Williams do join the afores<sup>d</sup>. Committee.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, "An act laying a tax of three cents per acre on the town of Berkshire," and "An act assessing a tax on the County of Windham," and the same being severally read. Resolved, To concur in passing them into Laws.

Adjourned to 9 O'clock Tomorrow morning.

TUESDAY October 26<sup>th</sup> 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, passed in the house of Representatives, Entitled "An act appointing a new Collector of a land Tax on Walden Gore," was sent up for revision &c. and being read, Resolved, To concur with the house in passing the said bill into a law.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act authorizing and empowering the Judge of Probate for the district of Marlboro' Windham County, to grant licence to Caleb Gannet and John Mellen to sell certain lands," was sent up for revision &c. and the same being read, Resolved, To concur with the house in passing the said bill into a law.

Adjourned untill 9 O'clock tomorrow morning.

WEDNESDAY, October 27<sup>th</sup> 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

A petition from Ja<sup>s</sup> Hyde, praying for relief in a certain case, was received from the house with this order thereon:

"In General Assembly Oct. 27<sup>th</sup> 1802.

Read and referred to the joint Committee on the petition of Solomon Norton.

Attest JA<sup>s</sup>. ELLIOT, Clerk."

And the same being read, Resolved, To concur with the house in the aforesaid reference.

The Governor & Council, pursuant to adjournment, repaired to the Representatives' room and met the house in joint Committee for the purpose of compleating the Election of the several County officers, and after some progress made therein, the joint Committee adjourned untill Thursday morning of next week at 10 O'clock, and the Governor and Council returned to their Chamber.

A petition from Lemuel Bottom, in behalf of the town of Williston, praying for their proportion of public lands &c. was rec<sup>d</sup>. from the house with this order thereon:

"In General Assembly Oct. 27, 1802.

Read and referred to Mr. Lyon, Mr. Law and Mr. Janes, to join such Committee as the Governor and Council may appoint.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Ordered, That Mr. Chamberlain do join the aforesaid Committee.

The petition of Silas Hathaway, praying for relief in a certain case, was received from the house with this order thereon:

"In General Assembly Oct. 27, 1802.

Read and referred to Mr. Wait, Mr. Hunt, Mr. Farnsworth, Mr. Olin, and Mr. Hay, to join such Committee as the Governor and Council may appoint.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Ordered, That Mr. Safford do join the aforesaid Committee.

The following resolution was received from the house:

"In General Assembly Oct. 27, 1802.

Resolved, that this house request the Governor and Council to appoint Thursday the ninth day of December next to be observed [as] a day of public Thanksgiving and praise throughout this State.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Resolved, That the Council advise his Excellency to issue his proclamation for the purpose expressed in the above resolution.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following resolution was received from the house :

"In General Assembly Oct. 27, 1802.

Resolved, That a Committee of three members be appointed to join such Committee as the Governor and Council may appoint, to bring in a bill to embrace the provision contained in the 33<sup>rd</sup>. Section of the Constitution, and that the bill, Entitled "An act giving relief to insolvent Debtors in certain cases," be referred to the same Committee. Members chosen, M<sup>r</sup>. Blake, M<sup>r</sup>. Farrand and M<sup>r</sup>. Linsley.

Attest JAS. ELLIOT Clerk."

And the same being read, Ordered, That M<sup>r</sup>. Galusha do join the aforesaid Committee.

The Council adjourned untill 9 O'clock Tomorrow morning.

THURSDAY, October 28<sup>th</sup> 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

A petition from Ezra Drew, praying for a new trial in a certain case, was sent up from the house with this order thereon:

"In General Assembly Oct. 25<sup>th</sup>. 1802.

Read and referred to the Committee on the petition of Elisha Taylor.

Attest JAS. ELLIOT, Clk."

And the same being read, Resolved, To concur with the house in the said reference.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act in addition to an act to revive and alter an act Entitled 'an act granting a Tax of one penny per acre on the town of Johnson and two pence per acre on Coit's Gore,' passed October 31<sup>st</sup>. A. D. 1801," and "An act laying a tax of two cents per acre on the town of Glover," and the same being severally read and considered, Resolved, To concur with the house in passing them into laws.

The petition of Solomon Norton was again received from the house with this order thereon:

"In General Assembly Oct. 28<sup>th</sup>. 1802.

Read & Recommended, and M<sup>r</sup>. Leland and M<sup>r</sup>. Butler are added to the Com<sup>tee</sup>.

Attest JAS. ELLIOT Clerk."

And the s<sup>d</sup> order being read, Resolved, To concur with the house in the same.

A petition from sundry inhabitants of South and Middle Hero stating that the Towns of Alburgh, Isle La Motte, North-hero, Middle-hero, South-hero and the Islands adjacent, being separated by the waters of Lake Champlain from the rest of this State, are greatly incommoded by being Connected with the Counties on the Main, as the ferries are wide, and the winds often so tempestuous that a passage is impossible for several days together, and various other inconveniences, and praying that said towns and islands may be erected into and constituted a separate County and be duly organized, was sent up from the house of representatives with this order thereon:

"In General Assembly Oct. 28<sup>th</sup>. 1802.

This petition, together with the petitions from Alburgh, Isle la Motte, and North-hero, referred to M<sup>r</sup>. J. Wright, M<sup>r</sup>. Eben<sup>r</sup>. Allen, M<sup>r</sup>. S. Shaw,

Mr. Emmons, Mr. Olin, Mr. Weston, Mr. Dunbar, Mr. Olds and Mr. Kibbe to join such Committee as the Governor and Council may appoint.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Ordered, That Mr. Spooner and Mr. Allis do join the aforesaid Committee.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A Petition from William Buckminster, praying for the removal of a cause pending before the Supreme Court, from the County of Caledonia to the County of Windham, was received from the house with this order thereon:

"In General Assembly Oct. 28, 1802.

Read and with the accompanying remonstrance referred to Mr. Theophilus Harrington, Mr. Lyon, Mr. Chittenden, Mr. Linsley and Mr. Janes, to join such Committee as the Governor and Council may appoint.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Ordered, That Mr. Chittenden do join the aforesaid Committee.

Adjourned to 9 O'clock Tomorrow morning.

FRIDAY October 29<sup>th</sup>. 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill passed in the house of Representatives, Entitled "An act laying a tax of three cents per acre on each acre of land in the Township of Marshfield," was sent up for revision &c. and the same being read, Resolved to concur with the house in passing the said bill into a law, with the following proposals of amendment, That after the word "Committee" in the 10<sup>th</sup> line of the 1<sup>st</sup> Section, insert the following, "and also, the actual services rendered by Samuel Chamberlin, heretofore appointed one of said Committee," and after the word "Committee," in the 2<sup>nd</sup> line of the 2<sup>nd</sup> Section insert the words "and Collector." And Mr. Loomis was requested to carry down said bill to the house and assign to them the reason for the said amendments.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act laying a tax of two cents per acre on the town of Brownington, in the County of Orleans;" "An act laying a Tax of three cents per acre on the township of Newbury;" "An act laying a Tax of three cents per acre on that part of the town of Canaan, late the town of Norfolk, in the County of Essex;" "An act laying a tax of two cents per acre on the town of Huntsburgh [Franklin];" "An act authorizing the Guardian of the minor heirs of David Clark, late of Whiting in the County of Addison, deceased, to sell lands;" "An act directing the Treasurer to pay Lemuel Barker the sum therein mentioned;" and "An act empowering the late Sheriff of the County of Orange to sign certain records;" and the same being severally read and considered, Resolved, To concur in passing the said bills respectively into laws.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill Entitled "An act in addition to an act Entitled 'an act granting to William Page and Lewis R. Morris, their heirs and assigns forever, the exclusive right of locking Bellows Falls on Connecticut River, and for repealing an act, passed at Windsor on the first day of November anno domini 1791,' passed the 25<sup>th</sup> day of October 1792," was received from the house with this order thereon:

"In General Assembly Oct. 29, 1802.

Read and referred to Mr. Theophilus Harrington, Mr. Niles and Mr. Chauncey Smith, to join such Committee as the Governor and Council may appoint.

Attest JAS. ELLIOT Clerk."

And the same being read, Ordered, That Mr. White do join the aforesaid Committee.

A memorial and remonstrance from Ira Allen against the Petition of Silas Hathaway, which prays for the confirmation of a pretended division by him made of the lands in the town of Swanton, was received from the house with this order thereon:

"In General Assembly Oct. 29, 1802.

Read and referred to the Committee on the petition of Silas Hathaway.

Attest JAS. ELLIOT Clerk."

And the same being read, Resolved, to concur with the house in the said reference.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, "An act laying a tax of four cents per acre on the Town of Brunswick," and "An act laying a tax of four cents per acre on the town of Eden," and the same being severally read & considered, Resolved, To concur in passing the said bills respectively into laws.

A bill Entitled "An act in addition to an act Entitled 'an act relating to Goals and Goalers, and for the relief of persons imprisoned therein,' passed March 9<sup>th</sup>. A. D. 1797," was received from the house with this order thereon:

"In General Assembly Oct. 29<sup>th</sup>. 1802.

Read and referred to the Committee appointed on the insolvent act, and Mr. Butler and Mr. T. Harrington are added.

Attest JAS. ELLIOT Clerk."

And the same being read, Resolved, To concur with the house in the said reference.

The Council adjourned untill 9 O'clock tomorrow morning.

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SATURDAY, October 30<sup>th</sup>. 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of two cents per acre on Coit's Gore in Franklin County," was sent up for revision &c. and being read, Resolved, To concur in passing the said bill into a law.

A petition from Ira Allen, praying the Legislature to grant him an act of personal protection in all civil cases for the term of one year next after the rising of the legislature, was received from the house with this order thereon:

"In General Assembly Oct. 29<sup>th</sup>. 1802.

Read and referred to Mr. D. Sheldon, Mr. Hunt, Mr. T. Hammond, Mr. Emmons, Mr. Linsley, Mr. Chamberlin, Mr. Chittenden, Mr. Dunbar, Mr. F. Davis, Mr. Hinman and Mr. Dana, to join such Committee as the Governor and Council may appoint.

Attest JAS. ELLIOT Clerk."

And the same being read, Ordered, That Mr. Loomis and Mr. Strong do join the aforesaid Committee.

A petition from Jonathan Butterfield and others, praying that the Legislature would grant no further act of suspension to Ira Allen, was sent up from the house with this order thereon:

"In General Assembly Oct. 29<sup>th</sup> 1802.

Read and referred to the joint Committee on the Petition of Ira Allen.

Attest JA<sup>s</sup> ELLIOT Clerk."

And the same being read, Resolved, To concur with the house in the said reference.

A bill, passed in the house of Representatives, Entitled "An act dividing the State into districts for Electing Representatives to the Congress of the United States and directing the mode of their election," was sent up for revision &c. and being read, Ordered, That it lie on the table for consideration.

The following bills, passed in the house of Representatives, were sent up for revision & concurrence or proposals of amendment, "An act for the relief of James Hyde," and "An act for the relief of Solomon Norton," and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following resolution was received from the house, viz.

"In General Assembly Oct. 22, 1802.

Resolved, That a Committee be appointed, to consist of a member from each County, to join such Committee as the Governor and Council may appoint, to examine into the expediency of laying assessments for licenses to retailers of wines and foreign distilled spirituous liquors, and also of laying a tax on pleasure carriages, and make report to the house by bill or otherwise. Members chosen—Mr. Jon<sup>s</sup> Baker, Mr. Fitch, Mr. T. Harrington, Mr. Leland, Mr. Olin, Mr. Ja<sup>s</sup> Fisk, Mr. Hay, Mr. Cameron, Mr. Farnsworth, Mr. Olds & Mr. Weatherbee. Extract from the Journals.

Attest JA<sup>s</sup> ELLIOT Clerk."

And the same being read, Ordered, That Mr. Galusha and Mr. Strong do join the aforesaid Committee.

The Council adjourned untill 10 O'clock Monday morning.

MONDAY, November 1<sup>st</sup> 1802, 10 O'clock A. M.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, viz. "An act laying a tax of one cent per acre on the town of Bristol;" "An act laying a tax of three cents per acre on the town of Enosburgh;" "An act laying a tax of two cents per acre on the town of Cabot;" "An act laying a tax of two cents per acre on the town of Whitingham;" "An act laying a tax of one cent per acre on the town of Jay;" and "An act laying a tax of three cents per acre on the town of Richford;" and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

A petition from the Selectmen of Canaan, in behalf of the Inhabitants of said town, praying for a tax of five cents per acre on said town, was received from the house with this order thereon :

"In General Assembly Oct. 30, 1802.

Reconsidered the vote to refer this petition to the next Session, and it is recommitted to the first land tax Committee.

Attest JA<sup>s</sup> ELLIOT Clerk."

And the the same being read, Resolved To concur with the house in the said reference.

A bill, Entitled "An act constituting and establishing a Company of Artillery in the eighth Brigade and first Division of the Militia of this State," was received from the house with this order thereon :

"In General Assembly Oct. 30, 1802.

Read and Committed to Mr. Tho<sup>a</sup> Hammond, Mr. Leavensworth, and Mr. Ja<sup>a</sup> Fisk to join from Council.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the same being read, Ordered, That Mr. Witherell do join the aforesaid Committee.

The following resolution was received from the house :

In General Assembly Oct. 30, 1802.

Whereas, "An act for the purpose of founding an University at Burlington," passed 3<sup>d</sup> November 1791, is not sufficiently explicit respecting certain powers intended to be granted to the trustees of said University or College, To prevent doubts about the execution of those powers:

Whereas, likewise, on a comparison of the above act with acts respecting other colleges, it appears that additional powers to those vested in the Trustees of said College ought to be granted and fully defined, and

Whereas the Corporation of the said University of Vermont have at much expense erected a large and commodious building, which they are determined soon to fit and prepare for the reception of Students—It is, therefore,

Resolved, That a Committee, of a member from each County, to join such Committee as the Governor and Council may appoint, be appointed to investigate the laws above mentioned with everything relative thereto, which shall be presented by the Trustees of said Corporation, or any of them, and report to this house what amendments, alterations and additions, to the act above mentioned ought, in their opinion, to take place.

Members Chosen—Mess<sup>rs</sup>. Moses Robinson, Farrand, T. Harrington, Keyes, Linsley, Niles, Hay, Parley Davis, Levi House, Hinman, and Daniel Dana.

Attest JA<sup>s</sup>. ELLIOT, Clerk."

And the same being read, Ordered, That Mr. Chamberlain and Mr. Miller join the aforesaid Committee.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, viz. "An act establishing the jurisdictional lines between the towns of Newbury and Topsham, Orange and Barre, in the County of Orange," and "An act altering the name of Isle of Motte to that of Vineyard," and the said bills being severally read and considered, Resolved to concur with the house in passing them respectively into laws.

The Governor and Council took under consideration the bill Entitled "An act dividing the State into districts, for Electing Representatives to the Congress of the United States, and directing the mode of their election," and progressed in the same as far as the seventh section, by paragraphs, when an adjournment being called for, on motion, Ordered, That said bill lie on the table till afternoon.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The Governor and Council resumed the consideration of the "Act dividing the State into districts for Electing Representatives to the Congress of the United States, and directing the mode of their election," and after some remarks on the same, Ordered, That the said bill be referred to Mr. Galusha, Mr. Chamberlain and Mr. Loomis, to report amendments.

A bill, passed in the house of Representatives, Entitled "An act for the relief of Ripley Torry," was sent up for revision &c. and the same being read, Ordered, That said bill lie on the table.

A bill Entitled "An act constituting and establishing a Company of



Cadets in the eighth Brigade first division and second regiment of the Militia of this State," was received from the house with this order thereon:

"In General Assembly Nov. 1, 1802.

Read and referred to the joint Committee upon the bill for establishing a Company of Artillery in the eighth Brigade first division.

Attest JAS. ELLIOT *Clerk.*"

And the same being read, Resolved, To concur with the house in their said reference.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act consuiting and establishing a Company of Artillery in the second Regiment in the second Brigade and second Division of the Militia of this State;" "An act in addition to an act Entitled 'an act granting to Horatio Knight leave to raise by lottery the sum of one Thousand dollars;'" and "An act constituting and establishing a Company of Artillery in the second Regiment first Brigade and second Division of the Militia in this State;" and the said bills being severally read and considered, Resolved, To concur in passing the same respectively into laws.

A bill, passed in the house of Representatives, Entitled "An act empowering William Page, Administrator, to sell the real estate of John Duncan, late of New Grantham, in the County of Cheshire and State of New Hampshire, deceased," was sent up for revision &c. and the same being read, Resolved, To concur with the house in passing the said bill into a law, with this proposal of amendment, after the word "bonds," in the thirteenth line of said bill, insert the words "with sufficient sureties," and Mr. Galusha was appointed to carry said bill to the house and assign the reasons for said amendment.

Adjourned until 9 O'clock Tomorrow morning.

TUESDAY, November 2<sup>nd</sup>. 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

On motion of Mr. Miller, stating the delicacy of his situation from his vicinity to the University of Vermont, and the interest of his family connexions with the College at Middlebury, Resolved, That he be discharged from any service relating to the "University of Vermont," on which he was yesterday appointed a Committee, and that Mr. Safford supply his place.

The Governor and Council again took under consideration the bill Entitled "An act for the relief of Ripley Torry," when it was Resolved, To concur with the house in passing the said bill into a Law, with this proposal of amendment—erase the second section and insert the following in its place: "And it is hereby further enacted, that the same equity in the admission of evidence shall be extended to the Plaintiff in said cause as is allowed by said act to the said Ripley Torry;" and Mr. Galusha was appointed to carry said bill to the house and assign the reasons for such amendment.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of two cents per acre on the town of Stratton," was sent up for revision &c. and the same being read and considered, Resolved, To concur with the house in passing the said bill into a Law.

The following resolution was received from the house, viz.

"In General Assembly Nov. 2, 1802.

Whereas the opening necessary and convenient roads tends greatly to the wealth and population of this State, by encouraging settlements, and

rendering public travel convenient; and as a good road, from North to South, directly through this State, beginning at Huntsburgh [Franklin] or Berkshire, thro' Enosburgh, Bakersfield, part of Fletcher to Cambridge, Underhill, Jericho, Richmond, Huntington, Buel's Gore, Lincoln, Ripton, Goshen to Brandon, to fall into the public road at Brandon or Pittsford, through which towns there are roads laid, tho' not sufficiently occupied for public travel, yet capable of being made feasible for public travel, and would shorten the travel from North to South about twenty miles if streightened and mended—Therefore, Resolved, That a Committee of three be appointed from this house, to join such Committee as the Governor and Council may appoint, to take under consideration the utility and necessity of opening, straitening and repairing the road thro' said Towns, to state facts and report their opinion. Members Chosen—Mr. Buel, Mr. Brownson and Mr. Spooner. Extract from the Journals. Attest JA<sup>s</sup>. ELLIOT Clerk."

The said resolution being read, Ordered, That Mr. Miller do join the aforesaid Committee.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

On motion, Mr. Witherell obtained leave to introduce a Bill Entitled "An act in addition to an act Entitled 'An act for the distribution of the Laws, Journals and other Public Papers,'" and the said Bill being read & considered, Resolved, That the same do pass, and Ordered, that it be engrossed and sent to the house of Representatives for their revision and concurrence or proposals of amendment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: 'An act laying a Tax on the County of Essex ;' "An act laying a Tax of one cent per acre on all the lands in Sherburne, alias Killington, and one & an half cent per acre on all the lands in Medway" [Mendon;] "An act directing the Treasurer to pay the sum therein mentioned ;" and "An act authorizing and empowering Stephen Holmes, under the direction of the Judge of Probate for the district of Georgia, to sell the real Estate of David Sears, late of Fairfield, deceased," and the said bills being severally read & considered, Resolved, to concur with the house in passing them respectively into laws.

A bill passed in the house of Representatives, Entitled "An act laying a tax of three cents per acre on the town of Danville for the purpose therein mentioned," was sent up for revision &c. and the same being read and considered, Resolved, To concur with the house in passing the said bill into a law, with this proposal of amendment, after the word "Danville" in the fourth line, erase the words "and Waltham Gore" and insert after the said Danville, "excluding and excepting all that tract of land, called 'Walden Gore,' lately annexed to said town of Danville ;" and Mr. Chamberlain was requested to carry said bill to the house and state the reason for said amendments.

A bill, entitled "An act authorizing the Proprietors of Moretown to establish their former proceedings," was received from the house with this order thereon :

In General Assembly Nov. 2, 1802.

Read and referred to the joint Committee on the enclosed petition, and Mr. Moses Robinson and Mr. Linsley are added.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the said bill being read, Ordered, That Mr. Spooner do join the aforesaid Committee.

On motion, Mr. Witherell obtained leave to introduce a bill Entitled

"an act directing Leather Sealers in their office and duty," and the said bill being read, Ordered, That it lie on the Table.

The petition of William Barton, together with the report thereon, was received from the house with this order thereon :

"In General Assembly Nov. 2, 1802.

This petition and report recommended to the former joint Committee, to report by bill or otherwise. Attest *JAS. ELLIOT Clerk.*"

And the same with the report being read, Resolved, To concur with the house in their said reference.

The Council adjourned untill 9 O'clock Tomorrow morning.

WEDNESDAY November 3<sup>d</sup> 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act laying a tax of three cents per acre on Deweysburgh [part of Danville and Peacham];" "An act in addition to an act Entitled 'An act assessing a tax of one cent per acre on the town of Middlesex, in the County of Chittenden;" "An act establishing the division of lands in the town of Leicester;" & "An act laying a tax of three cents per acre on the town of Highgate and Alburgh Gore;" and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

A bill Entitled "An act in addition to an act passed 7<sup>th</sup> day of November A. D. 1798, Entitled 'An act in addition to an act Entitled An act granting to William Page and Lewis R. Morris, their heirs and assigns forever, the exclusive right of locking Bellows Falls on Connecticut River, and for repealing an act passed the first day of November A. D. 1791, granting the same,' and also in addition of [to] an act passed on the seventeenth day of October, 1795, for increasing the toll on all kinds of lumber," was received from the house with this order thereon:

"In General Assembly Nov. 3, 1802.

Read and referred to the joint Committee upon a former bill on the the same subject. Attest *JAS. ELLIOT, Clerk.*"

And the same being read, Resolved, To concur with the house in their said reference.

Adjourned to 2 O'clock P. M.

2 O'CLOCK, P. M.

Mr. Spooner, member of the house of Representatives, returned the bill, which originated in Council, Entitled "An act in addition to an act Entitled 'An act for the distribution of the laws, journals and other public papers,'" with this order thereon:

"In General Assembly Nov. 3, 1802.

Read and concurred with the following amendment viz. erase the word "letter" in the seventh line, and insert in lieu thereof the words "superfine demi," and Mr. Spooner is requested to carry up said bill to the Governor and Council and assign the reasons for said amendment.

Attest *JAS. ELLIOT Clerk.*"

And after stating the reasons for said amendment, he withdrew, and the said bill with the amendments being read, Resolved, To concur with the house therein, and Ordered, That the Secretary acquaint the house with the same.

A Memorial from Gen<sup>l</sup> Ira Allen, stating that the petition of William Barton contains very erroneous statements, and praying that the same may not be granted, was received from the house with this order thereon:

"In General Assembly Nov. 3, 1802.

Read and referred to the joint Committee on the petition of William Barton. Attest JAS. ELLIOT Clerk."

The said memorial being read, Resolved, To concur with the house in their reference.

On motion, Resolved, The General Assembly concurring therein, that the two houses meet in joint Committee, at eleven O'clock in the forenoon of Thursday the 4<sup>th</sup> Instant, in the Representatives' room, for the purpose of Electing a Brigadier General of the 7<sup>th</sup> Brigade in the 4<sup>th</sup> Division of the Militia of this State, to fill the vacancy occasioned by the resignation of Joseph Foster Esquire, late General of said Brigade in said Division. And also for the purpose of appointing a Surveyor General, and Auditor of Accounts against this State.

The Committee to whom was referred the bill Entitled "An act dividing the State into Districts for Electing Representatives to the Congress of the United States, and directing the mode of their election," reported sundry amendments to be made in said bill, which report was amended and accepted, & then it was Resolved, To concur with the house in passing the said bill into a law, with the said proposals of amendments accompanying the same, and M<sup>r</sup> Galusha was desired to carry down said bill and assign the reasons for said amendments.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act annexing the eighth School District in Newhaven to the North-West District in Middlebury;" "An act granting relief to Samuel Wetherbee and Jonathan Woodbury in the case therein mentioned;" and "An act annexing part of the town of Moretown to the town of Duxbury for school purposes;" and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into Laws.

The Council adjourned until 9 O'clock tomorrow morning.

THURSDAY, November 4<sup>th</sup> 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act directing the Treasurer of this State to credit the Constable of the town of Barnet the sum therein mentioned;" "An act laying a tax of two cents on the acre in the town of Burke;" and "An act laying a tax of three cents per acre on the town of Sheffield." The said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

The Governor and Council proceeded to the Representatives' room agreeably to the resolution of yesterday afternoon. The ballots were taken for a Brigadier General of the seventh Brigade in the Fourth Division of Militia of this State, and examined, and Col<sup>o</sup> Roswell Olcott having a Majority was declared duly elected. James Whitelaw Esquire was in like manner elected Surveyor General, and Benjamin Emmons Jun<sup>r</sup> Esq<sup>r</sup> Auditor of Accounts against the State, for the year ensuing. The Governor and Council then returned to their Chamber and adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act restoring Jonas Matthews to his Law," was sent up for revision &c. and the same being read and considered, Resolved, To concur with the house in passing the said bill into a law.

On motion of Mr. Loomis, stating the indisposition of his family, Ordered, That he have leave of absence during the remainder of the Session.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of two and an half cents per acre on the town of Duxbury," was sent up for revision &c. and the same being read, Resolved, To concur with the house in passing the said bill into a law, with these amendments, viz—That after the word "two," in the third line, erase the words "and an half," and also the same words in the title; after the word "Davis" in the thirteenth line, erase the name of "Joseph Clark," and insert "Jabez Jones;" and after the word "to" in the eighteenth line, erase the name of "Ebenezer Corae" and insert "Solomon Miller." And Mr. White was requested to carry said bill to the house and acquaint them with the reasons for said amendments.

The following message was received from the house:

"In General Assembly Nov. 4, 1802.

The General Assembly have concurred in the amendments proposed by the Governor and Council to the bill Entitled "An act dividing the State into districts for electing Representatives to the Congress of the United States and directing the mode of their Election," and the said bill as amended is duly passed into a law of this State.

Attest JA<sup>S</sup>. ELLIOT *Clerk.*"

The Council adjourned to 9 O'clock Tomorrow morning.

FRIDAY, November 5<sup>th</sup> 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

On motion, Resolved, That the Governor and Council do reconsider the vote concurring in the passage of the bill Entitled "An act laying a tax of three cents per acre on Highgate and Alburgh Gore." The said bill being again taken under consideration and the parties interested being heard by themselves and Council, Resolved, That the Governor and Council do not concur in passing the same, and Mr. White is desired to draw up the reasons therefor in writing.

A bill, passed in the house of Representatives, Entitled "An act empowering Polly Phillips, Administratrix on the Estate of Asa Phillips, to deed certain lands in the case therein mentioned," was sent up for revision &c. and being read, Ordered, That the said bill be referred to Mr. Witherell for amendment.

A bill, passed in the house of Representatives, Entitled "An act to establish for the time being the jurisdictional lines of the towns therein mentioned," was sent up for revision &c. & being read, Resolved, To concur with the house in passing said bill into a Law, with the amendments noted on the same, and the Lt Governor is desired to acquaint the house with the reasons for said amendments.

Mr. Witherell, to whom was referred the bill Entitled "An act empowering Polly Phillips, Administratrix on the Estate of Asa Phillips, to deed certain lands in the case therein mentioned," reported sundry amendments to be made in said bill, which were adopted, and then it was Resolved, To concur with the house in passing said bill into a Law as amended, and Mr. Witherell was directed to carry said bill to the house and acquaint them with the reasons for said amendments.

A bill passed in the house of Representatives, Entitled "An act laying a tax of three Cents per acre on the town of Canaan," was sent up for revision &c. and the same being read, Resolved, To concur with the house in passing said bill into a Law.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

On motion, Mr. Brigham obtained leave to bring in a bill Entitled "An act in addition to an act Entitled 'An act regulating the Office and duty of Sheriff, High bailiff, their respective deputies & Constables,' passed March 6<sup>th</sup> 1797, and regulating the disposition of Goal-houses," and the said bill being read, Ordered, That it lie on the table.

The bill, Entitled "An act in addition to the Second Section of an act Entitled 'An act directing Leather Sealers in their office and duty,'" was read a second time and Resolved, That the said bill do not pass, and on motion, Ordered, That Mr. Witherell, who introduced said bill, have liberty to withdraw the same.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act laying a tax of one cent and two mills on the dollar on the list of one thousand eight hundred and two;" and "An act in addition to an act, passed the 7<sup>th</sup> day [of] November, 1798, Entitled 'an act in alteration of an act Entitled an act granting to William Page and Lewis R. Morris, their heirs and assigns forever, the exclusive right of locking Bellows Falls on Connecticut River, and for repealing an act passed the 1<sup>st</sup> day of November A. D. 1791, granting the same,' and also in alteration of an act passed the 17<sup>th</sup> day of October 1795, for increasing the toll on all kinds of lumber," and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

On motion of Mr. Safford, Ordered, That he be excused from any further service on the petition of Silas Hathaway, and that Mr. Witherell be appointed in his room.

A bill passed in the house of Representatives, Entitled "An act in addition to an act entitled 'An act regulating the collection and payment of rates, and repealing an act passed the 26<sup>th</sup> day of October A. D. 1801, and for other purposes,'" was sent up for revision &c. and the same being read & considered, Resolved, To nonconcur with the house in passing the said bill into a Law, & Mr. Witherell and Mr. Galusha appointed a Committee to assign in writing the reasons for such nonconcurrence.

Adjourned untill 9 O'clock Tomorrow morning.

SATURDAY, November 6<sup>th</sup> 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

Mr. Galusha reported the reasons of the Governor and Council for their nonconcurrence to the bill Entitled "An act in addition to an act Entitled 'An act regulating the collection and payment of rates,' and repealing an act passed the 26<sup>th</sup> day of October A. D. 1801, and for other purposes," which was read and approved.

A bill, passed in the house of Representatives, Entitled "An act authorizing his Excellency the Governor of this State to issue a new Charter to the Proprietors and Settlers of the Town of Danville," was sent up for revision &c. and being read, Ordered, That it be referred to Mr. Brigham and Mr. Chamberlain.

On motion of Mr. Williams, stating the sickness of his family, Ordered, That he have leave of absence during the remainder of the session.

A bill, passed in the house of Representatives, Entitled "An act appointing a Committee to lay out a road thro' the County of Orleans," was sent up for revision &c. and being read, Resolved, To concur with the house in passing the said bill into a law, with this proposal of amend-

ment, That the whole of said bill be erased, except the preamble and the first Section thereof, and Mr. White requested to assign to the house the reasons for the said amendment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, "An act directing the Treasurer to pay Benjamin Emmons Junior Auditor, the sum therein mentioned," and "An act appointing a new Committee on a land tax on the town of Alburgh, and reviving the act laying said tax," and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

Mr. Galusha moved for liberty and obtained leave to introduce a bill Entitled "An act in addition to an act Entitled 'An act constituting the supreme Court of Judicature and County Courts, defining their powers, and regulating judicial proceedings,'" and the said bill being read and considered, Resolved, That the same do pass, and Ordered, that it be engrossed and sent to the house for their concurrence.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, "An act to establish the sale of Wheat by weight," and "An act to continue in force an act passed at Newbury in October, 1801, directing the Treasurer of this State not to issue or prosecute any extent against the Collectors of State Taxes for the Town of Ferrisburgh for the sum of one hundred and thirty three Dollars and thirty three cents of the State tax assessed on said town on the list of the year 1800," and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

A bill, Entitled "An act establishing a Grammar School at Lunenburg, in the County of Essex," was received from the house with this order thereon :

"In General Assembly Nov. 6, 1802.

Read and referred to Mr. Parley Davis, Mr. Butler & Mr. Leland, to join such Committee as the Governor and Council may appoint.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the said bill being read, Ordered, That Mr. White do join the aforesaid Committee.

The following resolution was received from the house :

"In General Assembly Oct. 28, 1802.

Whereas some of the public rights of land in sundry towns in this State are become very valuable and would be immediately occupied, did not doubts arise as to the power of selling or leasing the same, Resolved, that a Committee consisting of a member from each County be appointed to examine into the situation of those rights, state the facts arising from that examination, and make report to this house what, in their opinion, ought to be done to remedy the above defect. Members chosen—Mr. Moses Robinson, Mr. Sam<sup>l</sup> Porter, Mr. Chauncey Smith, Mr. Spooner, Mr. D. Smith, Mr. Jon<sup>s</sup> Fisk, Mr. Hay, Mr. Blanchard, Mr. Levi House, Mr. Olds and Mr. French.

Att. JA<sup>s</sup>. ELLIOT Clerk."

Nov. 6, 1802.

Ordered, That the within Committee do join such Committee as the Governor and Council may appoint.

Attest JA<sup>s</sup>. ELLIOT Clerk."

And the said resolution and orders thereon being read, Resolved, That Mr. Galusha & Gov. Brigham join the aforesaid Committee.

A bill, passed in the house of Representatives, Entitled "An act in alteration of, addition to, and for repealing part of an act Entitled 'An act regulating the disposition of monies raised by tax on lands in the several towns for the purpose of making and repairing roads and building bridges,' passed Nov. 2, 1796, as also in addition to 'an act regulating the disposition of monies raised by taxes in the several towns for the purpose of making and repairing roads and building bridges and regulating proceedings thereon,' passed Oct. 27<sup>th</sup> 1800," was sent up for revision &c. and the said bill being read, Resolved, To concur with the house in passing the same into a Law, with the following proposal of amendment, viz. That after the word "shall," in the 11<sup>th</sup> line of the 4<sup>th</sup> Section, erase the words "have power, and it is hereby made their duty," and insert these words in lieu thereof, "apply to the Judges of the County Court of the County in which the tax is to be collected, or either two of them, whose duty it is hereby made." And Mr. Witherell appointed to assign to the house the reasons for said amendments.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act constituting and establishing a Company of Cadets in the second Regiment, eighth Brigade and first Division of the Militia of this State;" "An act in addition to an act Entitled 'An act defining the powers of Justices of the Peace within this State,'" and "An act directing when Tenders may be made, and where suits at Law shall be brought, in certain cases; and for making it the duty of Sheriffs, bailiffs and Attornies to deliver a Statement of their accounts, and receipt the same;" And the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

The Council Adjourned until 9 O'clock Tomorrow [Monday] morning.

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MONDAY, November 8<sup>th</sup> 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

The bill Entitled "An act in addition to an act Entitled 'An act regulating the office and duty of Sheriff, High bailiff, their respective deputies and Constables,' passed March 6<sup>th</sup> 1797, and regulating the disposition of Goal houses," was again read and discussed, when it was Resolved, That the said bill do pass, and that it be engrossed and sent to the house of Representatives for their concurrence.

A bill, passed in the house of Representatives, Entitled "An act constituting and establishing a Company of Artillery in the eighth Brigade and first Division of the Militia of this State," was sent up for revision &c. and being read, Resolved, To concur with the house in passing said bill into a law.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act laying a tax of two cents per acre on the township of Holland;" "An act laying a tax of three cents per acre on the town of Moretown;" and "An act laying a tax on the County of Orange;" and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

The Committee, to whom was referred the bill Entitled "An act authorizing his Excellency the Governor of this State to issue a new Charter to the Proprietors and Settlers of the Township of Danville," reported "That having critically examined the papers accompanying



said bill and compared the report of the Committee with the act, and that they agree, and are of opinion that this bill do pass," whereupon Resolved, To concur with the house in passing the same into a law.

The bill Entitled "An act to establish for the time being the jurisdictional lines of the towns therein mentioned," was again received from the house with this new order thereon.

"In General Assembly Nov. 8, 1802.

Referred to Mr. Jacob Smith, Mr. Theop. Harrington and Mr. Niles, to join such Committee as the Governor and Council may appoint, to enquire into the facts which induced the Governor and Council to propose amendments &c.

Attest JAS. ELLIOT Clerk."

And the same being again read, Ordered That Gov. Brigham do join the aforesaid Committee.

The bill Entitled "An act laying a tax of three Cents per acre on the town of Highgate and Alburgh Gore," which had been nonconcurrent by the Governor and Council, was again passed by the house of Representatives and sent up for revision &c. and being again read and considered, Resolved, To concur with the house in passing the said bill into a law.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, "An act laying a tax of two cents per acre on the township of Walden, alias Caldersburgh, Brownington Gore and Whitelaw's Grant," and "An act laying a tax on the County of Windsor," and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

A bill Entitled "An act in addition to and in revival of an act Entitled 'An act laying a tax of two cents per acre on the town of Swanton, for the purpose therein mentioned,' passed Oct. 26<sup>th</sup>. 1801," was received from the house with this order thereon:

"In General Assembly Nov. 8, 1802.

Read and referred to Mr. Farnsworth, Mr. Olin and Mr. House, to join such Committee as the Governor and Council may appoint.

Attest JAS. ELLIOT Clerk."

And the same being read, Ordered, That Mr. Allis do join the aforesaid Committee.

Mr. Stanley returned from the house the bill Entitled "An act appointing a Committee to lay out a road thro' the County of Orleans," with this order thereon:

"In General Assembly Nov. 8, 1802.

Read and nonconcurrent in the amendments proposed by the Governor and Council, and Mr. Stanley is appointed to carry up said bill and assign the reasons.

Attest JAS. ELLIOT Clerk"

And after stating the reasons for such nonconcurrence, he withdrew. Ordered, That said bill lie on the table.

A bill, passed in the house of Representatives, Entitled "An act granting to Isaac Stevens and John Stevens a new trial in an action brought by William Sweetser against said John Stevens as Trustee of said Isaac Stevens," was sent up for revision &c. and the same being read, Resolved, To concur with the house in passing said bill into a law.

A bill passed in the house of Representatives, Entitled "An act granting relief to Ebenezer Durfey and others in the case therein mentioned," was sent up for revision &c. and being read, Resolved, To nonconcur with the house in passing the said bill into a law, for the reasons transmitted to the house with the same.

The following message was received from the house:

“ In General Assembly Nov. 8, 1802.

The General Assembly have concurred in the bill sent down from the Governor and Council Entitled “ An act in addition to an act Entitled ‘An act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings,’ ” and the same is passed into a law. And they have also concurred in the amendments proposed by the Governor and Council to the bill Entitled “ An act laying a tax of two and a half cents per acre on the town of Duxbury.”

Attest      JAS. ELLIOT, Clerk.”

Adjourned untill 9 O'clock Tomorrow morning.

TUESDAY, November 9, 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

The bill Entitled “ An act appointing a Committee to lay out a road thro' the County of Orleans,” returned from the house yesterday, with the amendments proposed by the Governor and Council nonconcurred, was again taken under consideration, and the said bill and amendments being read, Resolved, To rescind from the former proposal of amendment & to concur with the house in passing the said bill into a law with this proposal of amendments: That the 2<sup>d</sup> & 4<sup>th</sup> Sections of said bill be erased, and that the section accompanying said bill be added as a third Section, and Mr. Chamberlain was requested to assign to the house the reasons for said amendment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: “ An act repealing ‘an act granting relief to Collectors of State Taxes where erroneous returns of the General list shall happen,’ passed the 26<sup>th</sup> day of October 1801, and for other purposes;” “ An act empowering the proprietors of the Township of Addison to lay out their undivided lands for pitching;” “ An act annexing the towns of South-Hero and Middle-Hero to the Probate District of Alburgh;” and “ An act restoring Ebenzer Allen to his law;” and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

A bill passed in the house of Representatives, Entitled “ An act establishing the lines of the Towns of Berkshire, Enosburgh, Richford, Montgomery, Jay and Westfield, and directing the sale of a gore of land between Enosburgh and Montgomery, Berkshire and Richford,” was sent up for revision &c. and the same being read, with a large number of accompanying papers, and the persons in interest being heard, Resolved, To concur with the house in passing the said bill into a law, with this proposal of amendment: That after the last word in the tenth line of the third Section, the remainder of the bill be erased, and the accompanying paragraph be inserted in lieu thereof, and Mr. Chamberlain was appointed to assign to the house the reasons for said amendment.

A bill Entitled “ An act for laying a Post road from the north line of Huntsburgh [Franklin,] in the County of Franklin, to Hinesburgh in the County of Chittenden,” was received from the house with the following order thereon:

“ In General Assembly Nov. 8, 1802.

Read and referred to Mr. Chipman, Mr. P. Davis and Mr. Roberts, to join such Committee as the Governor and Council may appoint.

Attest      JAS. ELLIOT, Clerk.”

And the same being read, Ordered, That Mr. Chittenden do join the aforesaid Committee.

The following written message was received from the house:

"In General Assembly Nov. 9, 1802.

The General Assembly have reconsidered and rescinded the resolve passing the bill Entitled "An act giving relief to Ebenezer Durfey and others in the case therein mentioned," which was returned from the Governor and Council nonconcurrent. They have concurred in the amendments proposed by the Governor and Council to the bill Entitled "An act empowering Polly Phillips, Administratrix on the Estate of Asa Phillips, to deed certain lands in the case therein mentioned." They have also concurred in the amendments proposed by the Governor and Council to the bill Entitled "An act in alteration of, addition to, and to repeal part of an act Entitled 'An act regulating the disposition of monies raised by taxes on lands,' &c. &c. and the two bills last aforesaid are duly passed into laws. Attest JA<sup>s</sup> ELLIOT Clerk."

The petition of Ebenezer Durfey, Jedediah Durfey, Simon Chase and Samuel Eastman of Lincoln in the County of Addison, addressed to the Governor and Council, was read. Ordered, That it be referred to a Committee of three to state facts and report thereon. Members chosen — Mr. Galusha, Mr. Strong and Mr. Witherell.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act giving relief to Phinehas Parkhurst, first Constable of Sharon;" "An act appointing a Committee to look out and survey a post road from the Court-house in Burlington in the County of Chittenden to the bridge over the main branch of Onion River in the town of Montpelier in the County of Caledonia;" and "An act directing the Treasurer of this State to pay the several State's Attornies the sums therein mentioned"—and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

Adjourned to 2 O'clock afternoon.

2 O'CLOCK P. M.

A bill passed in the house of Representatives, Entitled "An act constituting the towns of Alburgh, Isle of Motte, North-hero, South-hero, and other small Islands, in Lake Champlain, a County, by the name of Grand Isle," was sent up for revision &c. and the same being read, Resolved, To concur with the house in passing the said bill into a law.

A bill, passed in the house of Representatives, Entitled "An act in addition to and alteration of an act Entitled 'An act ascertaining the principles on which the list of this State shall be made, and directing Listers in their office and duty,'" was sent up for revision &c. and the same being read and largely discussed, it was moved to amend said bill by striking out the word "fifty" in the seventh line of the fifth Section and to insert "thirty" in lieu thereof. The yeas and nays being required by Mr. Witherell were as follows: Yeas—Mess<sup>rs</sup> Safford, Miller and Spooner. Nays—L<sup>t</sup> Governor, Mess<sup>rs</sup> Chamberlain, Galusha, Chittenden. Allis, White, Strong and Witherell. Yeas 3, Nays 8, and the said amendment was rejected. On motion Resolved, To concur with the house in passing the said bill into a law, with this proposal of amendment, viz. That the first, second, third, fourth and sixth sections be erased, and that the word "further," in the enacting clause of the fifth section be struck out; and Mr. Witherell was requested to assign to the house the reasons for the said proposed amendments.

A bill passed in the house of Representatives, Entitled "An act empowering the Administrator of Thomas Davison to sell the lands therein mentioned," was sent up for revision &c. and the same being read and considered, Resolved, To concur with the house in passing the said bill into a law, with the following proposals of amendment, viz. in the 1<sup>st</sup>

Section, fourth line, erase the word "direct" and insert "grant liberty to;" and in the sixth line, after the word "Davison," insert "on their giving bonds with sufficient sureties for the benefit of said heirs;" and Mr. Witherell assign the reasons for the same to the house.

The following resolution was received from the house:

"In General Assembly Nov. 9, 1802.

Resolved, That a Committee of two members be appointed on the part of the house, to join such Committee as the Governor and Council may appoint, to prepare and lay before the house a bill making appropriations for the year ensuing. Members chosen—Mr. Jacob Smith & Mr. Chipman. Extract from the Journals.

Attest JAS. ELLIOT Clerk."

And the said resolution being read, Ordered, That Mr. Miller do join the aforesaid Committee.

A bill, passed in the house of Representatives, Entitled "An act in addition to the act Entitled 'An act incorporating certain persons therein named by the name of the Green Mountain Turnpike Company,' passed the 2<sup>d</sup> day of Nov. 1799," was sent up for revision &c. and the same being read, Resolved, to concur with the house in passing the said bill into a Law.

Adjourned to 9 O'clock Tomorrow morning.

WEDNESDAY, November 10<sup>th</sup>. 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolution was received from the house:

Resolved, that a Committee consisting of a member from each county, to join such Committee as the Governor and Council may appoint, be appointed to receive and distribute the acts dividing the State into districts for the purpose of electing Members of Congress—also the Election Sermons, and proclamations for Thanksgiving. Members chosen—Messrs. Martindale, Roberts, Pliny Smith, Jacob Smith, Linsley, Jonathan Fisk, Hay, Blanchard, J. Clapp, Stanley and Daniel Dana.

Attest JAS. ELLIOT, Clerk."

And the said resolution being read, Ordered, That Mr. Strong do join the aforesaid Committee.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act directing the Treasurer of Orange County to pay the several sums therein mentioned;" "An act laying a tax of three cents per acre on the town of Westmore;" "An act in addition to an act assessing a tax of two cents per acre on the town of Plainfield, Late St. Andrews Gore, for the purpose therein mentioned, passed 7 day of Nov. A. D. 1798;" and "An act appointing a Committee to lay out a road from St. Albans to Richford;" and the said bills being severally read and considered, Resolved to concur with the house in passing them respectively into laws.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of three cents per acre on the town of Milton;" was sent up for revision &c. and being read, Resolved, To concur with the house in passing the said bill into a law, with this proposal of amendment, viz. that the word "three" in the title and in the third line of the bill, be erased, and that the word "two" be inserted in lieu thereof, and that Mr. White inform the house of the reasons for proposing said amendment.

A bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled 'An act for the purpose of founding an Uni-

versity at Burlington,' passed the third day of November A. D. 1791," was sent up for revision &c. and the same being read, on motion, Resolved, That the Trustees of said University may be heard, and also that the Trustees of Middlebury College be heard if it be their pleasure—and Judge Hitchcock and Amos Marsh Esqr. on the part of the Trustees of the University at Burlington, and Samuel Miller Esquire on the part of the Trustees of Middlebury College, were largely heard on the principles, propriety and expediency of passing said bill. On motion, Ordered, That the same lie on the table till afternoon.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

Present His Excellency Isaac Tichenor Governor, and the Hon<sup>d</sup> Council.

The Council proceeded to take under consideration the petition of Ebenezer Durfey, Jedediah Durfey, Simon Chase and Samuel Eastman, praying that a fine of eighty five Dollars with costs, imposed upon them by the Supreme Court of Judicature, at their session holden at Middlebury by adjournment in June now last past, within and for the County of Addison, for an unlawful resistance of the Sheriff of said County in the execution of the duties of his office, might be remitted to them. Whereupon the Council, after hearing the evidence produced by the petitioners, order and decree, that the sum of sixty five Dollars, part of said fine, be and hereby is remitted to the said Jedediah, Ebenezer, Simon and Samuel, and that the State's Attorney of the County of Addison be and he hereby is directed to indorse the same upon the note given for the payment of said fine.

The Council again took under consideration the bill Entitled "An act in addition to and in explanation of an act Entitled 'An act for the purpose of founding an University at Burlington,' passed the 3<sup>d</sup> day of November 1791," when it was, on motion, Resolved, To concur with the house in passing said bill into a Law.

The following message was received from the house :

"In General Assembly Nov. 10, 1802.

The General Assembly have concurred in the amendments proposed by the Governor and Council to the bill Entitled "An act appointing a Committee to lay out a road thro' the County of Orleans," and the bill as amended is passed into a law. Also in the amendments proposed by the Governor and Council to the bill Entitled "An act establishing the lines of the towns of Berkshire, Enosburgh, Richford, Montgomery, Jay and Westfield, and directing the sale of a gore of land between Enosburgh and Montgomery, Berkshire and Richford," and the same as amended is passed into a law.

Attest JAS. ELLIOT Clerk."

Mr. Jacob Smith returned from the house the bill Entitled "An act in addition to an act Entitled 'An act regulating the office and duty of Sheriff' &c. passed March 6<sup>th</sup>. 1799, and regulating the disposition of goal houses," with this order thereon :

"In General Assembly Nov. 10, 1802.

Read and concurred with the Governor and Council in passing this bill with this amendment, erase from the title of the bill the words "and regulating the disposition of jail houses," and Mr. Jacob Smith is appointed to carry up the same and assign the reasons.

Attest JAS. ELLIOT Clerk."

And after stating the reasons, he withdrew—when it was Resolved, To concur with the house in their said proposal of amendment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act

authorising Samuel Robinson and Polly Morrison, Guardians to the Minor heirs of Samuel Robinson, late of West-fairlee, in the district of Bradford, to sell the real estate of said minors," and "An act in addition to an act Entitled 'An act relating to Goals and Goalers, and for the relief of persons imprisoned therein,' passed the 9<sup>th</sup> day of March A. D. 1797," and the said bills being severally read and considered, Resolved, To concur with the house in passing the same into laws.

Stephen House Esquire, in behalf of Nathaniel Griswold, appeared in the Council Chamber and stated that he had applied to the Secretary of State to correct an error in the record of the Charter of Enosburgh. That in the record of said Charter it appears that Nathan Griswold is an original Grantee, when, as in the original Charter, it is Nathaniel Griswold. And the Secretary of State having declined correcting said error without advice from some board: Therefore Resolved, That the Governor and Council do hereby advise the Secretary, if on examination he shall find such error, to correct the same by a proper note or certificate accompanying the record of the original Charter.

On motion of M<sup>r</sup>. Safford, Resolved, That he have leave of absence after tomorrow morning.

Adjourned to 9 O'clock tomorrow morning.

THURSDAY, November 11<sup>th</sup>. 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill passed in the house of Representatives, Entitled "An act laying duties on licences for selling wines and foreign distilled spirituous liquors by retail, was sent up for revision &c. and being read and discussed, on motion Resolved, To concur with the house in passing said bill into a law, with the following proposal of amendment, viz : That after the word "aforesaid," in the seventh line of the sixth Section, erase the remainder of the section and insert the following paragraph : "and any person or persons who shall sell wines or foreign distilled spirituous liquors, at any other place than that described in his licence as aforesaid, shall, for every such offence, forfeit and pay the fine herein after imposed, for retailing without licence." And the L<sup>t</sup> Governor was requested to inform the house of the reasons for s<sup>d</sup>. amendment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence, or proposals of amendment : "An act in addition to and alteration of an act Entitled 'An act assessing a tax of one penny per acre on the township of Georgia, and two pence per acre on the township of St Albans, for the purpose of making roads and building bridges in s<sup>d</sup>. towns,' passed the eighth day of October A. D. 1796 ;" "An act in addition to an act passed at Newbury in October 1801 granting to Aaron Elliot, his heirs and assigns, the exclusive right of manufacturing Crawley and Blistered Steel in this State for the space of ten years from October 1802, on condition that the said Aaron manufacture thirty tons of Crawley and Blistered steel each and every year thereafter, for the space of ten years ;" "An act authorizing the Guardian and Guardians of the minor heirs of Solomon Morse, late of Bridport in the County of Addison, deceased, to sell the lands of said heirs ;" "An act directing the Treasurer of this State to credit the Constable of the town of Pawlet the sum therein mentioned ;" and "An act incorporating certain persons therein mentioned by the name of the Hubbardton Turnpike Company ;" and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

His Excellency laid before the Council a bill for their consideration, Entitled "An act relating to public lands," and the same being read and considered, Resolved, That said bill do pass, and that it be sent to the house for their revision and concurrence or proposals of amendment.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act authorizing and empowering the Judges of the County Court in the County of Rutland to examine into and direct what shall be done with a dam across Otter Creek, called Osgood's dam," was sent up for revision &c. and the same being read, Resolved, To concur with the house in passing the said bill into a Law, with the following proposals of amendment, viz. in the fifth line and first Section, after the word "examination," insert the following words: "after giving due notice to the owner or owners, their agents or attorneys"; and after the word "thereafter" in the eleventh line of the same section, erase the remainder of the section, and in the ninth line in the second section, after the word "dam," erase the remainder of the Section. And Mr. Galusha was directed to inform the house of the reasons for proposing the said amendments.

A bill, passed in the house of Representatives, Entitled "An act granting a tax of two cents per acre on the town of Colchester, and that part of Burlington which lies west of the line between Williston and Burlington, established by the Legislature at their Session at Windsor A. D. 1797," was sent up for revision &c. and the same being read and considered, Resolved, To concur with the house in passing said bill into a Law, with the following proposal of amendment, viz. That the Second and Third Sections of said bill be erased; and Mr. Galusha was directed to inform the house of the reasons for proposing the said amendment.

A bill, passed in the house of Representatives, Entitled "An act in addition to and revival of an act Entitled 'An act laying a tax of two cents per acre on the town of Swanton, for the purpose therein mentioned,' passed Oct. 26<sup>th</sup>. 1801," was sent up for revision &c. and being read, Ordered, That the said bill be referred to the Lt Governor and Mr. Allis to take the same under consideration and report thereon.

A bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled 'An act constituting a Court of Chancery,' passed the second day of March A. D. 1797," was sent up for revision &c. and being read was amended, and Resolved, To concur with the house in passing said bill into a law, and Mr. Galusha was directed to inform the house of the reasons for said proposed amendments.

The Committee to whom was referred the bill Entitled "An act in addition to and reviving an act Entitled 'An act laying a tax of two cents per acre on the town of Swanton, for the purpose therein mentioned,' passed October 26, 1801," reported, That the bill ought to be amended by striking out the whole of the second section and inserting in lieu thereof the following, viz. "And it is hereby further enacted, that the whole of said tax shall be laid out and expended towards erecting and compleating the bridge which is now begun over Missisquoi River in said Swanton;" which said report was accepted, Whereupon, Resolved, To concur with the house in passing the said bill into a law, with the proposal of amendment contained in the aforesaid report.

A bill, passed in the house of Representatives, Entitled "An act granting to Zacheus Peaslee, Samuel Hickok, Thaddeus Tuttle, Moses Catlin, Ebenezer T. Englesby, and their associates, the exclusive privilege of erecting a wharf and store house at Burlington Bay, in the County of Chittenden, for the term of thirty years," was sent up for revision &c. and being read and largely discussed, and the said Grantees

and others concerned being fully heard—Resolved, To concur with the house in passing said bill into a law, with the proposals of amendment accompanying the same; and Mr Galusha directed to inform the house of the reasons for proposing the said amendments.

The following resolution was received from the house.

"In General Assembly Nov. 11, 1802.

Resolved, the Governor and Council concurring therein, that the General Assembly meet the Governor and Council, in the Representatives' room, at ten o'clock tomorrow morning, for the purpose of adjourning the legislature without day. Extract from the Journals.

Att. JAS. ELLIOT Clerk."

And the same being read, Ordered, That it lie on the table till tomorrow morning.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act in addition to an act granting a tax of two cents on each acre of land in the town of Somerset, in the County of Windham, passed at Newbury A. D. 1801;" "An act in addition to an act Entitled 'An act regulating and governing the Militia of this State,' passed 10<sup>th</sup> March A. D. 1797;" "An act affecting the collection and expenditures of a land tax in Huntsburgh [Franklin,] granted November 7<sup>th</sup> 1792;" "An act in addition to and amendment of an act Entitled 'An act for suspending prosecutions against Timothy Clement, for the space of five years;" "An act in addition to an act Entitled 'An act regulating Marriages and Divorce,' passed the 28<sup>th</sup> day of February A. D. 1797;" "An act authorizing the Proprietors of Guildhall to ratify and complete the division of their lands;" and, "An act to exempt and free the body of William Goodrich of Vergennes from personal arrests and imprisonment on civil processes for the space of one full year from and after the rising of this Assembly;" and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

The following written messages were received from the house :

"In General Assembly Nov. 11, 1802.

The General Assembly have concurred in passing the bill sent down from the Governor and Council entitled "An act relating to public lands."

Attest JAS. ELLIOT Clerk."

"In General Assembly Nov. 11, 1802.

The General Assembly have concurred in the amendments proposed by the Governor and Council to the following bills, A bill Entitled "An act in addition to and in alteration of an act Entitled 'An act ascertaining the principles on which the list of this State shall be made, and directing Listers in their office and duty;" and A bill Entitled "An act laying a tax of three cents per acre on the town of Milton."

Attest JAS. ELLIOT, Clerk."

Adjourned to 9 O'clock A. M. Tomorrow.

FRIDAY, November 12 1802, 9 O'clock A. M.

The Council met pursuant to adjournment.

Mr Olin, member of the house of Representatives, appeared in the Council Chamber and informed the Council that he was directed by the house to wait on them and learn at what hour they would be ready to meet the house for the purpose of adjourning the legislature without day.

Mr Emmons returned the bill Entitled "An act to establish for the time being the jurisdictional lines of the towns therein mentioned," with this order of the house thereon:



"In General Assembly Nov. 12, 1802.

Read and nonconcurrent on the first amendment, and Mr. Emmons is appointed to carry up said bill and assign the reasons, and concurred in the other amendments. Attest JA<sup>S</sup>. ELLIOT *Clerk.*"

And after assigning the reasons he withdrew, and it [was] Resolved, To rescind from the said amendment nonconcurrent by the house, and to concur in passing said bill into a law.

The resolution relative to the time of the adjournment of the legislature was again read, when it was Resolved, To concur in the same with this amendment, That the two houses meet at one O'clock for the purpose expressed in said resolution.

A bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled 'an act authorising and empowering the proprietors and landowners of Williston to confirm and complete the division or pitches of their lands,' passed Nov. 4, 1799," was sent up for revision &c. and being read, Resolved, To nonconcur with the house in passing the said bill into a law, and Mr. Chamberlain was requested to assign the reasons for the same.

Mr. Harrington returned the bill Entitled "an act granting to Zacheus Peaslee and others the exclusive right of erecting a wharf and store house at Burlington bay &c." with this order thereon:

"In General Assembly Nov. 12, 1802.

The General Assembly have concurred in the first amendment proposed by the Governor and Council to the bill Entitled "An act granting to Zacheus Peaslee and others the exclusive right of erecting a wharf and Store house at Burlington bay" &c. and have nonconcurrent in the second amendment, and Mr. W. C. Harrington is appointed to carry up said bill and assign the reasons for nonconcurrence &c.

Attest JA<sup>S</sup>. ELLIOT, *Clerk.*"

And the said bill and order of the house being read, Resolved, To rescind from the amendment nonconcurrent by the house and to concur in passing said bill with this further proposal of amendment, viz. That in the fifteenth line, after the word "house," erase the word "thirty" and insert the word "twenty five," and Mr. White was desired to carry said bill to the house and assign the reasons for the said last proposed amendment.

A bill, passed in the house of Representatives, Entitled "An act making appropriations for the support of Government for the present Session and from thence to the Session of the General Assembly in October 1803, and for other purposes," was sent up for revision &c. and being read, Resolved to concur with the house in passing the said bill into a law, with this proposal of amendment, viz. That the name of "Richard Whitney, Secretary of Council," be inserted after the word "Thomas Tolman," and the sum of five Dollars be added to the amount of monies mentioned in said bill, and Mr. Chamberlain desired to carry said bill to the house and assign the reasons for said amendment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act appointing a Committee to lay out and survey a public road from Berkshire to Brandon, for a direct communication from the north to the south part of this State;" "An act directing the Secretary of State to cause to be published in certain newspapers the act therein mentioned;" "An act in addition to and in alteration of an act Entitled 'an act regulating fees,' passed Oct. 27<sup>th</sup> 1798;" and "An act in alteration of and to amend an act Entitled 'An act relating to Goals and Goalers, and for the relief of persons imprisoned therein,' passed March 9<sup>th</sup> A. D. 1797;"

and the said bills being severally read and considered, Resolved, To concur with the house in passing said bills into laws.

Resolved, That the Governor be and he hereby is directed to issue his proclamation for a day of fasting and prayer throughout this State on the second Wednesday of April next.

The three following written messages were received from the house:

"In General Assembly Nov. 11, 1802.

The General Assembly have concurred in the amendments proposed by the Governor and Council to the bill Entitled "An act authorizing and empowering the Judges of Rutland County Court to examine into and direct what shall be done with a dam erected across Otter Creek, called Osgood's Dam." Also, in the amendments by them proposed to the bill Entitled "An act granting a tax of two cents on each acre of land in the town of Colchester, and that part of Burlington which lies west of a line between Williston and Burlington," &c. Also, in the amendment by them proposed to the bill Entitled "An act empowering the Administrators of Thomas Davison to sell the land therein mentioned." Also, in the amendments by them proposed to the bill Entitled "An act laying duties on licenses," &c.

Attest JA<sup>S</sup>. ELLIOT Clerk."

"In General Assembly Nov. 12, 1802.

The General Assembly have concurred in the amendments proposed by the Governor and Council to the bill Entitled "An act in addition to an act constituting a Court of Chancery."

Attest JA<sup>S</sup>. ELLIOT Clerk."

"In General Assembly Nov. 12, 1802.

The General Assembly have concurred in the amendments last proposed by the Governor and Council to the bill Entitled "An act granting to Zacheus Peaslee, Samuel Hickok &c. and their Associates, the exclusive right of erecting a wharf at Burlington Bay," &c. And the said bill is become a law.

Attest JA<sup>S</sup>. ELLIOT, Clerk."

Mr. Chipman, member of the house, appeared in the Council Chamber and informed the Council that the General Assembly having no business before them are now ready to adjourn.

The Governor and Council accordingly repaired to the Representatives' room, and after an appropriate prayer by the Chaplain, both branches of the Legislature were adjourned without day, and public proclamation thereof made by Sheriff Sawyer.

A true Journal.

Attest

[RICHARD WHITNEY,] Secretary.

# TWENTY-SEVENTH COUNCIL.

OCTOBER 1803 TO OCTOBER 1804.

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ISAAC TICHENOR, Bennington, *Governor*.

PAUL BRIGHAM, Norwich, *Lieut. Governor*.

## *Councillors:*

SAMUEL SAFFORD, Bennington,  
NATHANIEL NILES, West Fairlee,  
JONAS GALUSHA, Shaftsbury,  
JOHN WHITE, Georgia,  
BERIAH LOOMIS, Thetford,  
NOAH CHITTENDEN, Jericho,

ELIAKIM SPOONER, Westminster,  
JAMES WITHERELL, Fairhaven,  
ASAPH FLETCHER, Cavendish,  
ELIAS KEYES, Stockbridge,  
SAMUEL SHEPARDSON, Guilford,  
EBENEZER WHELOCK, Whiting.

RICHARD WHITNEY, Guilford, *Secretary*.

SAMUEL FLETCHER, Townshend, *Sheriff*.

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## BIOGRAPHICAL NOTICES.

ELIAS KEYES, born in Ashford, Conn., was one of the first settlers of Stockbridge in 1784 or 1785, which town he represented in the General Assembly 1793 until 1797, 1798 until 1803, 1818, 1820, and 1823 until 1826; and in the Constitutional Convention of 1814. He was Councillor from 1803 until 1818, with the exception of 1814; and Member of Congress 1821 to 1823. He was also Assistant Judge of Windsor County Court 1806 until 1814, and Chief Judge 1815 until 1817. Otherwise he was not always fortunate in the law, the editor remembering his presentation of a petition to the Assembly, as a member, in this form: "for the relief of Elias Keyes, *which Elias I am*."—Lanman's *Dictionary of Congress*; Thompson's *Vermont*; Deming's *Catalogue*.

Doct. ASAPH FLETCHER was a descendant, in the fifth generation, from Robert Fletcher, who was of English or Welsh stock, and settled at Concord, Mass., in 1630. Doct. Fletcher was born in Westford, Mass., June 28 1746, where he resided until Feb. 1787, when he removed to Cavendish, Vt. He held several public offices in Massachusetts, and

after his settlement in Vermont he was elected representative as soon as he was eligible, in 1789, and re-elected in 1790, '92, and 1820. He was also a delegate in the Constitutional Conventions of 1791 and 1793; an Elector of President and Vice President in 1816; Assistant Judge of Windsor County Court 1801 until 1805; and Councillor 1803 until 1808. In 1768 he united with the Baptist church in Leicester, Mass., and until his death was an active and devoted Christian—a period of more than seventy years. Among his sons were Gen. Asaph Fletcher jr., who was Sheriff of Windsor County 1820 until 1830; Hon. Richard Fletcher of Boston, Member of Congress 1837-39, and Judge of the Supreme Court of Massachusetts 1848-1853; Doct. Alpheus Fletcher of Cavendish; Rev. Horace Fletcher of Townshend; and Ryland Fletcher of Cavendish, who was Lieut. Governor of Vermont 1854-56, and Governor 1856-58.—*Fletcher Genealogy*; *Deming's Catalogue*; and *Vt. Legislative Directory*.

SAMUEL SHEPARDSON is named in B. H. Hall's *Eastern Vermont*, p. 516, as the guide of the Vermont troops who in 1784, under the command of Stephen R. Bradley, suppressed the disorder in Guilford and vicinity. He was Councillor from 1803 until 1808, and seems to have held no other offices except Register of Probate in 1806, and Elector of President and Vice President in 1808.—*Deming's Catalogue*; and *Vt. Legislative Directory*.

EBENEZER WHELOCK was one of the early settlers of Whiting, and he represented that town 1790 until 1794, '95, '96, 1802, and 1817 until 1821. He was Councillor 1803 until 1808; and delegate in the Constitutional Convention of 1793.—*Deming's Catalogue*.

## RECORD OF THE GOVERNOR AND COUNCIL

AT THE

SESSION OF THE GENERAL ASSEMBLY AT WESTMINSTER,  
OCT. 1803.

## STATE OF VERMONT, SS.

A Journal of the proceedings of the Governor and Council of the State of Vermont, at their Session begun and held at Westminster, within and for said State, on the thirteenth day of October, being the second Thursday of said Month in the year of our Lord one thousand eight hundred and three, and of the Independence of the United States the thirteenth [twenty-eighth.] pursuant to the Constitution and resolves of said State. Present, His Excellency Isaac Tichenor, Esquire, Governor, His Honor Paul Brigham Esquire Lt Governor, of the Council The honorable Elisha Allis, Noah Chittenden, Jonas Galusha, Beriah Loomis, Solomon Miller, Eliakim Spooner, Samuel Safford, John White and James Witherell Esquires. Samuel Fletcher Esq<sup>r</sup> *Sheriff of Windham County.* Richard Whitney *Secretary.*

On motion, Resolved, That a Committee consisting of five members be appointed jointly with such Committee as may be chosen by the house of Representatives, to receive, sort and count the votes for Governor, Lt Governor, Treasurer and Councillors for the year ensuing. Members chosen—Mr. Galusha, Mr. Witherell, Mr. White, Mr. Loomis and Mr. Chittenden.

Mr. Marsh, Member of the house of Representatives, appeared in the Council chamber, and delivered the following message: "May it please your Excellency and Gentlemen of the Council, The house of Representatives are organized, and are now ready to co-operate in any business connected with the duties or dignities of government." His Excellency then acquainted Mr. Marsh that agreeably to the Constitution and laws, the Council has, on their part, appointed a Committee, that such Committee was duly qualified, and ready to meet a Committee on the part of the house of Representatives—And Mr. Marsh withdrew.

Adjourned to 4 O'clock P. M.

4 O'CLOCK P. M.

Mr. Morris, member of the house of Representatives, appeared in Council and delivered this message: "May it please your Excellency, The Committee appointed to receive, sort and count the votes for Governor, Lt Governor, Treasurer and Councillors for the year ensuing, are now prepared to make their report, and therefore request your Excellency and the hon'ble Council, as soon as may be, to meet the Representatives in their own room, for the purpose of receiving such report," and he withdrew.

The Governor and Council then repaired to the Representatives' room, and having taken their seats, the following report was handed in by Mr. Galusha, Chairman of said Committee.

"To the hon'ble General Assembly now sitting, Your Committee appointed to receive, sort and count the votes for Governor, Lt Governor,

Treasurer and Councillors, having attended to that service, beg leave to report, That his Excellency Isaac Tichenor has a majority of all the votes and is duly elected Governor, That his Honor Paul Brigham is elected Lt Governor, That Benjamin Swan is elected Treasurer, and That Jonas Galusha, Samuel Safford, Beriah Loomis, Noah Chittenden, John White, James Witherell, Eliakim Spooner, Nathaniel Niles, Asaph Fletcher, Ebenezer Wheelock, Samuel Shepardson and Elias Keyes are elected Councillors.

JONAS GALUSHA *Chairman.*

Westminster, 13<sup>th</sup> October 1803."

The aforesaid report being read, Samuel Fletcher Esquire, Sheriff of the County of Windham, declared said officers duly elected to the respective offices affixed to their names, by the suffrages of the Freemen.

The Governor and Council then returned to their Chamber and adjourned untill 9 O'clock Tomorrow morning.<sup>1</sup>

FRIDAY, October 14<sup>th</sup> 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

Ordered, That the Secretary issue letters of notice to the new members of Council.

Mr. Marsh, member of the house of Representatives, appeared and delivered the following message, viz.

"May it please your Excellency, The house of Representatives have this morning made choice of a Speaker, Clerk and other necessary officers, and are ready to proceed to the business of the session," and he withdrew.

Ordered, That the Secretary do immediately acquaint the house of Representatives that a Quorum of the new Council have met, are qualified and ready to proceed to the business of the Session.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The Governor, accompanied by the Council, proceeded to the house of Representatives, and having signified his acceptance of the office of Governor for the year ensuing, the necessary oaths were administered to him by the Chief Justice, and then his Excellency delivered the following speech to both branches of the Legislature.—[For speech see *Appendix J.*]

The Governor and Council then returned to their Chamber and adjourned untill 9 O'clock tomorrow morning.

SATURDAY, October 15<sup>th</sup> 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolution was received from the house:

"In General Assembly Oct. 14, 1803.

Resolved, that the Governor and Council be requested to join the General Assembly in grand Committee, at the opening of the house to-

<sup>1</sup> In announcing the list of Councillors elect, *Spooner's Vermont Journal* of Oct. 18 1803 said:

All [Jeffersonian] Republicans. The lowest Republican candidate had a majority of 500 over the highest Federal.

The *Vermont Gazette*, commenting on the election of Governor, charged the re-election of Gov. Tichenor to the then Jeffersonian counties of Rutland and Bennington, which gave Gov. Tichenor a majority of 223.—See *Spooner's Vt. Journal* of Oct. 25 1803. This statement is good testimony to the popularity of Gov. Tichenor.

morrow morning, for the purpose of agreeing on the time when the several County conventions shall meet to make County nominations. Extract from the Journals.

Attest A. HASWELL, *Clerk.*"

And the same being read, Resolved, To nonconcur with the house therein, and that the following resolution be sent to the house as a substitute for the foregoing, by the Secretary: Resolved, The house of Representatives concurring therein, that the members of both houses meet in County Conventions at three o'clock P. M. on Tuesday next for the purpose of making County nominations for County officers, and that both houses convene in joint Committee on Wednesday next, at ten o'clock in the forenoon, in the Representatives' room, for the purpose of receiving such nominations and making the appointments of such officers.

The following resolution was received from the house:

"In General Assembly Oct. 14, 1803.

Resolved, that a Committee of three be appointed, to join a Committee from Council, to take into consideration the state of the Militia, state facts and make report. Members chosen—Mr. Morris, Mr. D. Sheldon and Mr. S. Porter. Extract from the Journals.

Att. A. HASWELL, *Clerk.*"

And the same being read, Ordered, That the L<sup>t</sup> Governor do join the aforesaid Committee.

The following resolution was received from the house:

"In General Assembly Oct. 14, 1803.

Resolved, That a Committee consisting of one member from each county in this State, to join such Committee as the Governor and Council may appoint, be appointed, to examine and report what measures are necessary to be taken to make provision for punishing by hard labor those who shall be convicted of crimes not capital. Members chosen—Mess<sup>rs</sup>. Shumway, Wheeler, Speaker [Theophilus Harrington,] Leland, Painter, E. Hammond, Isham, S. Chamberlin, Janes, Hinman & Weatherbee. Extract from the Journals.

Att. A. HASWELL, *Clerk.*"

And the same being read, Ordered, That Mr. Niles and Mr. Galusha do join the aforesaid Committee.

Mr. Niles introduced the following resolution: Resolved, That the Governor be and he hereby is requested to inform the President of the United States that the second section of the law of the United States, passed March 3<sup>d</sup>. 1795, Entitled "An act for the more general promulgation of the laws of the United States," has not been carried into effect for the year last past, and request that the said laws may be duly transmitted—which was read and Ordered, That it lie on the table.

The following resolution was received from the house:

"In General Assembly Oct. 15, 1803.

Resolved that a Committee of seven, to join a Committee from Council, be appointed to examine the 5<sup>th</sup> Section of an act entitled "An act for the punishment of certain capital and other high crimes and misdemeanors," and report such alterations and amendments as they shall think proper. Members chosen—Mess<sup>rs</sup>. A. Marsh, Olin, Ives, Whitney, Isham, Pomeroy & E. Allen. Extract from the Journals.

Attest A. HASWELL, *Clerk.*"

And the same being read, Ordered, That Mr. White do join the aforesaid Committee.

The following resolution was received from the house:

"In General Assembly Oct. 15, 1803.

Resolved, That a Committee of seven members, to join such Committee as the Governor and Council may appoint, be appointed to examine an act Entitled "An act directing the mode of taking the for-

feiture of Charters," and report what additions, alterations, or amendments ought to be made to said act. Members chosen—Mess<sup>rs</sup> A. Marsh, Speaker, Shumway, Robinson of Bennington, Stanley, Jas<sup>ts</sup> Fisk & Shaw. Extract from the Journals.

Attest A. HASWELL Clerk."

And the said resolution being read, Ordered, That M<sup>r</sup> Loomis do join the aforesaid Committee.

The following resolution was received from the house:

"In General Assembly Oct. 15 1803.

Resolved, That a Committee consisting of one member from each County be appointed to join such Committee as the Governor and Council may appoint, to be denominated the First land tax Committee, who are hereby directed to report to this house the number and amount of all the taxes on lands on which a tax may be prayed, and report their opinion thereon. Members chosen—Mess<sup>rs</sup> D. Sheldon, Roberts, Sergeant, Emmons, T. Porter, Ketchell, I. Taylor, Tuttle, Armington, DeForrest & Beeman. Extract from the Journal.

Attest A. HASWELL Clerk."

And the said resolution being read, Ordered, That M<sup>r</sup> Chittenden do join the aforesaid Committee.

Adjourned to 9 O'clock Monday morning.

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MONDAY, October 17<sup>th</sup> 1803, 9 O'clock A. M.

The following resolution was received from the house:

"In General Assembly Oct. 17, 1803.

Resolved, That the Governor and Council be requested to join the General Assembly in Grand Committee, at the opening of the house in the afternoon, for the purpose of choosing Judges of the Supreme Court.

And being read, it was Resolved, To concur with the house therein.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

Agreeably to the concurrent resolution of both houses, the Governor and Council repaired to the Representatives' room and met the house in joint Committee for the purpose of electing Judges of the Supreme Court—when the following resolution was adopted: Resolved, That whenever the two houses meet in joint Committee, the Governor, and in his absence the L<sup>t</sup> Governor, shall be Chairman of the joint Committee, and that the Secretary of State, or in his absence the Secretary of the Governor and Council shall be Clerk to said Committee. The joint Committee then proceeded to elect the Judges of the supreme Court, and the ballots being taken and examined it appeared That the hon<sup>ble</sup> Jonathan Robinson Esq<sup>r</sup> was elected Chief Judge, and the hon<sup>ble</sup> Royall Tyler and Theophilus Harrington, Esquires, Side or Assistant Judges. The joint Committee was then dissolved, and the Governor and Council returned to their Chamber.

The following resolution was received from the house:

"In General Assembly Oct. 17, 1803.

Resolved that a Committee of three be appointed from this house to take into consideration the act directing the listers in their office and duty, and report by bill or otherwise what alterations, if any, are necessary in said bill [act]. Committee appointed, Mess<sup>rs</sup> S. Porter, Crutenden and Douglass to join Committee from Council. Extract from the Journals.

Attest A. HASWELL Clerk."

And the same being read, Ordered, That M<sup>r</sup> Safford do join the aforesaid Committee.



A report made by a Committee of the last session, relating to Glebe rights, was received from the house of Representatives with this order thereon:

“In General Assembly Oct. 17, 1803.

Read and referred to a Committee of five, to join a Committee of Council. Members chosen—Mess<sup>rs</sup> Morris, A. Marsh, Hay, Baker and Crafts.

Attest A. HASWELL, *Clerk*.”

And the same being read, Ordered, That M<sup>r</sup>. Galusha and M<sup>r</sup>. Niles do join the aforesaid Committee.

A petition from Joseph Kneeland was received from the house with this order thereon:

“In General Assembly Oct. 17, 1803.

Read and referred to Mess<sup>rs</sup> Spencer, Janes, Olin, S. Shaw and B. Emmons, to join a Committee from Council.

Attest A. HASWELL, *Clerk*.”

And the said petition being read, with the order thereon, Ordered, That M<sup>r</sup>. Spooner do join the aforesaid Committee.

Adjourned until 9 O'clock tomorrow morning.

TUESDAY, October 18<sup>th</sup>. 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Hon<sup>ble</sup> Asaph Fletcher, Samuel Shepardson and Elias Keyes Esquires, appeared in the Council Chamber, and after taking the oaths prescribed by the Constitution and laws, were admitted to their seats at the Council board.

A bill passed in the house of Representatives, Entitled “An act empowering the Executors of Peleg Sanford, late of Newhaven, deceased, to sell certain lands,” was sent up for revision and concurrence or proposals of amendment, and the same being read, Resolved, To concur with the house in passing the said bill into a law.

A petition from the Proprietors of Bromley [Peru,] relating to the boundary line of said town, was received from the house with this order thereon:

“In General Assembly Oct. 17, 1803.

Read and referred to Mess<sup>rs</sup> B. Sheldon, Isham and T. Miller, to join with Council.

Att. A. HASWELL, *Clerk*.”

And the same being read, Ordered, That M<sup>r</sup>. Safford do join the aforesaid Committee.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

On the Suggestion of his Excellency, Resolved, The house of Representatives concurring therein, that the Governor and Council meet the house of Representatives, in the Representatives' room, in joint Committee, at 2 O'clock P. M., on Thursday next, for the purpose of electing a Brigadier General in the second Brigade in the second Division of the Militia of this State.

The Council adjourned until 9 O'clock tomorrow morning.

WEDNESDAY, October 19<sup>th</sup>. 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

The above resolution relative to the choice of a Brigadier General was returned from the house concurred.

Pursuant to the concurrent resolution of both houses, the Governor and Council repaired to the Representatives' room and met the house in

joint Committee for the purpose of electing the County officers, and having progressed therein, the joint Committee adjourned untill Tuesday next at two o'clock P. M. and the Governor and Council returned to their Chamber and adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill Entitled "An act concerning Apprentices and servants" was received from the house with this order thereon:

"In General Assembly Oct. 19, 1803.

Read and referred to a Committee of three to join with Council. Members [chosen]—Mess<sup>r</sup> J. Fisk, A. Marsh & Galusha.

Att. A. HASWELL Clerk."

And the same being read, Ordered, That M<sup>r</sup> Spooner do join the aforesaid Committee.

A petition from the Inhabitants of the town of Bridgewater, praying for the confirmation of Josiah Dunham as a Collector of a certain land tax the same as tho' he were an Inhabitant of said town at the time of his Election, was rec<sup>d</sup>. from the house with this order thereon:

"In General Assembly Oct. 18, 1803.

Read and committed to Mess<sup>r</sup> Leland, B. Emmons & Goodrich to join.

Attest A. HASWELL Clerk."

And the same being read, Ordered, That M<sup>r</sup> Galusha join the aforesaid Committee.

Adjourned to 9 O'clock Tomorrow morning.

THURSDAY, October 20<sup>th</sup> 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

A Petition from Asa Utley and David Carpenter was received from the house with this order thereon:

"In General Assembly Oct. 18, 1803.

Read and referred to the Committee on the petition from Landgrove.

Attest A. HASWELL Clerk."

And the same being read, Resolved, To concur in the said reference.

A Petition from the Proprietors of the town of Thetford, praying for certain regulations and provisions relating to said town, was received from the house, with this order thereon:

"In General Assembly Oct. 18, 1803.

Read and referred to A. Marsh, Hay, Wheelock, Crafts & Olin to join.

Att. A. HASWELL Clerk."

And the same being read, Ordered, That M<sup>r</sup> Chittenden do join the aforesaid Committee.

Jonathan Robinson Esquire, Chief Judge of the Supreme Court of Judicature, appeared in the Council Chamber and took the oaths prescribed by the Constitution & Laws before the Governor.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following resolution was received from the house:

Resolved, That a Committee consisting of a member from each County, be appointed to join Committee from Council to take into consideration the expediency of establishing a permanent seat for the legislature, and report by bill or otherwise. Members chosen—Mess<sup>r</sup> S. Porter, S. Shaw, W. Perry, A. Marsh, T. Porter, Hay, Blanchard, Holmes, Crafts, Daux and Sol<sup>r</sup> Wright.

Att. A. HASWELL Clerk."

And the same being read, Ordered, That Mess<sup>r</sup> Chittenden, Witherell, Spooner and the L<sup>t</sup> Governor do join the aforesaid Committee.

Pursuant to the concurrent resolution of both houses, the Governor

and Council repaired to the Representatives' room and met the house in joint Committee for the purpose of electing a Brigadier General in the Second Brigade and second Division of the Militia of this State, when Amos Kellogg Esq<sup>r</sup> was duly elected, and the joint Committee was dissolved and the Governor and Council returned to their Chamber and adjourned untill 9 O'clock tomorrow morning.

FRIDAY, October 21<sup>st</sup> 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

A petition from George Whitney, stating his conviction of the crime of Manslaughter, in the death of George Gordon, and praying that a fine of four hundred Dollars, payable to the treasury of this State, and costs amounting to about forty dollars, inflicted on him by sentence of the supreme Court of Judicature, might be relinquished, was read, and the powers and extent of the Constitutional ground amply investigated.<sup>1</sup> Ordered, That the same do lie on the table for farther investigation.

The Petition of Lemuel Dickerman for a new trial in the case of the said Dickerman vs. Jonathan Hale, was received from the house, with this order thereon:

"In General Assembly Oct. 18<sup>th</sup> 1803.

Read and referred to Mess<sup>rs</sup> Pomroy, Janes & Crafts to join.

Att. A. HASWELL, Clerk."

And the same being read, Ordered, That M<sup>r</sup> Keyes do join the aforesaid Committee.

A Petition from the Inhabitants of Bromley [Peru,] praying to be annexed to the town of Dorset, was received from the house with this order thereon:

"In General Assembly Oct. 20<sup>th</sup> 1803.

Read and referred to a Committee of three, viz. A. Robinson, Tarbox and A. Chamberlin to join &c. Attest A. HASWELL Clerk."

And the same being read, Ordered, That M<sup>r</sup> Safford do join the aforesaid Committee.

A petition from sundry Inhabitants of Rupert, Dorset and Bromley [Peru,] praying to be incorporated into a new Town by the name of Lebanon, with all the privileges and immunities of other towns, and A petition from the proprietors and land-owners of the town of Landgrove, and the tract or gore of land called Benton's Gore, praying that a certain division line may be ascertained and permanently established between said Landgrove and Benton's Gore and the towns of Harwich [Mount Tabor] and Bromley [Peru,] were received from the house with an order on the same, similar to the one on the foregoing petition from Bromley, in which the Council concurred.

A bill, passed in the house of Representatives, Entitled "An act in addition to and in alteration of an act Entitled 'An act for the punishment of Capital and other high crimes and misdemeanors,'" was sent up for revision &c. and being read, Ordered, That the same be referred to M<sup>r</sup> Witherell, M<sup>r</sup> White & M<sup>r</sup> Wheelock.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The Council resumed the consideration of the petition of George Whitney, and after hearing the evidence on the part of the prisoner and maturely considering the same, do order and decree, that so much of

<sup>1</sup> As to the power of the Governor and Council to pardon and remit fines.

his said petition as relates to the fine therein mentioned be granted: and that the fine of Four hundred dollars imposed upon him by the Supreme Court, be remitted.

The report of a Committee appointed to examine into the Locks and Canal at Bellows Falls, was received from the house with this order thereon:

“In General Assembly Oct. 21, 1803.

Read and referred to a Committee of three, viz. Mess<sup>rs</sup> Olin, Chittenden and Butler to join with Council.

Att. A. HASWELL Clerk.”

And the same being read, Ordered, That Mr. Fletcher and Mr. Keyes do join the aforesaid Committee.

On motion, Mr. Shepardson obtained leave to bring in a bill Entitled “An act establishing the Flag of the Militia of this State,” and the same being read, Ordered, That it lie on the table.

Adjourned untill 9 O'clock tomorrow morning.

SATURDAY, October 22<sup>d</sup> 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

A Petition from the Inhabitants and Landowners of the town of Enosburgh, praying that a road therein described might be discontinued, or that a new Committee may be appointed to examine into the premises, was received from the house with this order thereon:

“In General Assembly Oct. 17, 1803.

Read and referred to Mess<sup>rs</sup> Paine, Luce, T. H. Parker, Jewett and Brown to join.

Attest A. HASWELL Clerk.”

And the same being read, Ordered, That Mr. White do join the aforesaid Committee.

A Petition from Samuel B. Sheldon and others, praying that a tax of one cent per acre be assessed on the towns of St Albans, Swanton and Fairfield, two cents on Sheldon, three cents on Enosburgh, two ditto on Berkshire, and three cents on Richford, was sent up from the house, with this order thereon:

“In General Assembly Oct. 20, 1803.

Read and referred to the Committee on the petition from Enosburgh to join.

Attest A. HASWELL Clerk.”

And the same being read, Resolved, To concur with the house in the said reference.

On motion of Mr. Niles, Whereas, it is represented to this Council by his Excellency the Governor, that the laws of the United States have not been transmitted to him by the Secretary of said States, agreeably to a law of the same, passed March 3<sup>d</sup> 1795, Entitled “An act for the more general promulgation of the laws of the United States.” Therefore Resolved, That the Governor be and he hereby is requested to inform the President of the United States of the inexecution of said law as it respects this State, and to request him to order the same into effect.

The following resolution was received from the house by Mr. A. Marsh:

Whereas dissensions of the most serious nature have allready arose, and incalculable evils may farther arise, from the mode pointed out in the second article of the Constitution of the United States for choosing a President and Vice President of the United States: Therefore, Resolved, as the sense of this legislature, That it is highly important that an alteration should take place in the above section of the Constitution

of the United States, by which the future Electors of President and Vice President shall be directed particularly to designate the persons voted for, by declaring which is voted for as President, and which as Vice President.

"And, in pursuance of an inherent right of this Legislature, be it further Resolved, That the Senators of this State in the Senate of the United States are hereby instructed, and the Representatives of the people of this State in the Congress of the United States are hereby earnestly requested, to use their best exertions in obtaining the above alteration in the Congress [Constitution] of the United States, or some other amendment which shall be substantially equivalent.

"In General Assembly Oct. 22, 1803.

Read and passed and ordered to be sent to the Governor and Council by a member for their revision &c.

Attest A. HASWELL *Clerk.*"

And the said resolutions being read and considered, Ordered, That the same be referred to Mr. Niles and Mr. Galusha to report their opinion thereon.

The Council adjourned untill 9 O'clock Monday morning.

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MONDAY October 24<sup>th</sup>. 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

On motion of Mr. Niles and Mr. Galusha, Resolved, That the Committee appointed on the Resolutions of the house of Representatives, relating to the Electors of President and Vice President of the United States, be discharged from any further consideration of the same. The said Resolutions being again read and considered, Resolved, To non-concur in passing the same, and Mr. Witherell was appointed to carry them to the house and acquaint that body with the reasons for said non-concurrence, and that the following resolution be proposed to the house in lieu of the one which originated in that body:

Whereas inconveniences of a serious nature have already been experienced, and greater evils may, in future, arise, from the mode pointed out in the first section of the second article of the Constitution of the United States, for electing the President and Vice President of the same: Therefore, Resolved, The house of Representatives concurring therein, that the Senators and Representatives from this State in the Congress of the United States be and hereby are earnestly requested to use their best endeavors to procure such an amendment in the Constitution of the United States as shall provide for an effectual discrimination between the votes hereafter to be given for President of the United States and those to be given for Vice President.

Resolved, further, That a transcript of the foregoing resolution be transmitted to each of our Senators and Representatives in Congress by his Excellency the Governor.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

Mr. Spencer returned from the house the resolutions adopted in Council this forenoon, relating to Electors of President & Vice President of the United States, nonconcurring by the house. Mr. Spencer also returned the resolutions of the house on the same subject, which had been nonconcurring by the Governor and Council, and informed the Governor and Council that the house had resolved not to rescind from passing the said resolutions, but insisted upon passing the same, and after assigning the reasons of the house therefor, he withdrew. And the said resolutions being again read and considered, Resolved, To concur with the house in

passing the same with these proposals of amendment, viz. That after the word "whereas," in the first line, erase the word "dissensions" and insert the word "inconveniences," and in the 13<sup>th</sup> line, after the word "and," erase to the words "to be," in the 14<sup>th</sup> line, and add the following clause: "Resolved, further, that copies of the foregoing resolutions be transmitted to each of [our] Senators and Members in Congress, by his Excellency the Governor,"—and Mr. Witherell was appointed to carry down said resolutions and assign to the house the reasons for said amendments.

A bill, passed in the house of Representatives, Entitled "An act in addition to and in alteration of an act Entitled 'An act laying a tax of two cents per acre on the township of M<sup>r</sup>. Holley,'" was sent up for revision &c. and being read, Ordered. That it be referred to Mr. Spooner.

A bill, passed in the house of Representatives, Entitled "An act in addition to and alteration of an act Entitled 'An act for the punishment of certain capital and other high crimes and misdemeanors,'" was sent up for revision &c. and being read, Resolved, To concur with the house in passing the same into a law, with the proposals of amendment accompanying the same, and Mr. Galusha was appointed to assign to the house the reasons for said amendments.

The bill, Entitled "An act establishing the Flag of the Militia of this State," was again read, passed and ordered to be engrossed and sent to the house for their revision &c.

Adjourned untill 9 O'clock tomorrow morning.

TUESDAY, October 25<sup>th</sup>. 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, passed in the house of Representatives, Entitled "An act assessing a tax of three cents per acre on Londonderry and Aiken's Gore, so called," was sent up for revision &c. and being read, Resolved, To concur with the house in passing the same with this proposal of amendment, in the 9<sup>th</sup> line erase the name of "Nehemiah Howe" and insert the name of "Samuel Thompson."

The bill Entitled "An act in addition to and in alteration of an act Entitled 'an act laying a tax of two cents per acre on the township of Mountholley,'" was again read, and Resolved, To concur with the house in passing the same into a law, with the proposal of amendment accompanying the same, and Mr. Shepardson appointed to carry the same to the house & inform them of the reasons of said amendments.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

Pursuant to adjournment the Governor and Council proceeded to the Representatives' room and met the house in joint Committee for the purpose of completing the Election of County officers for the year ensuing, and having made progress therein, adjourned untill Thursday next 9 O'clock A. M. and the Governor and Council returned to their Chamber.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, "An act laying a tax of three cents per acre on Lincoln and of one cent per acre on Avery's Gore in the County of Addison," "An act laying a tax of three cents per acre on the town of Elmore," and "An act laying a tax of three cents per acre on the town of Morristown," and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

Adjourned to 9 O'clock Tomorrow morning.

WEDNESDAY, October 26<sup>th</sup>, 1803, 9 O'clock A. M.

A bill, passed in the house of Representatives, Entitled "An act directing the Treasurer to cancel and deliver to Stephen Jacob a certain security," and a bill, Entitled "An act for the relief of Jonathan Armstrong," were sent up for revision &c. and being read, Ordered, That they be referred to M<sup>r</sup>. Niles and M<sup>r</sup>. Witherell.

A bill, passed in the house of Representatives, Entitled "An act suspending suits against Charles Ellis for the term of five years," was sent up for revision &c. & being read, Ordered, That it be referred to M<sup>r</sup>. Keyes and M<sup>r</sup>. Loomis.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act altering the name of the town of Missisquoi;" "An act laying a tax of three cents per acre on the town of Salem;" "An act laying a tax of two cents per acre on the town of Craftsbury;" "An act laying a tax of four cents per acre on the North District in the town of Wardsboro';" and "An act laying a tax of six cents per acre on the town of St<sup>t</sup> George," and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

A bill, passed in the house of Representatives, Entitled "An act in addition to an act assessing a tax of one cent per acre on the town of Middlesex, in the County of Chittenden, passed Nov. 3, 1802," was sent up for revision &c. & being read, Ordered, That it be referred to M<sup>r</sup>. Niles and M<sup>r</sup>. Chittenden.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

M<sup>r</sup>. Witherell, from the Committee appointed on the bill Entitled "An act directing the Treasurer to cancel and deliver to Stephen Jacob a certain security," reported that the same ought to pass, and the said bill being again read, Resolved, To concur with the house in passing it into a law.

A bill, passed in the house of Representatives, Entitled "An act limiting the time for presenting prize tickets to the Managers of the Castle-ton and Hubbarton Road lottery," was sent up for revision &c. and being read, Ordered that it be referred to M<sup>r</sup>. Galusha.

A bill, passed in the house of Representatives, Entitled "An act directing the Treasurer of this State to credit the First Constable of the town of Shelburne the sum therein mentioned," was sent up for revision &c. and being read and considered, Resolved, To concur with the house in passing said bill into a law.

A bill, passed in the house of Representatives, Entitled "An act laying a tax on the Proprietors of Topsham," was sent up for revision &c. read and Ordered, To be referred to Mess<sup>rs</sup>. Galusha and Chittenden.

A bill, passed in the house of Representatives, Entitled "An act authorizing the collection of a land tax in Topsham," was sent up for revision &c., read and, Ordered, To be referred to M<sup>r</sup>. White and M<sup>r</sup>. Witherell.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of four cents per acre on Jamaica," was sent up for revision &c. read and Ordered, To be referred to M<sup>r</sup>. Shepardson, to report his opinion thereon.

Adjourned to 9 O'clock Tomorrow morning.

THURSDAY, October 27, 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Governor and Council, according to adjournment, proceeded to the Representatives' Room and met the house in joint Committee for

the purpose of compleating the election of the County officers for the year ensuing, and some progress being made therein, the joint Committee was adjourned untill Monday next at 2 O'clock P. M. and the Governor and Council returned to their Chamber.

Mr. White, from the Committee, to whom was referred the bill Entitled "An act authorizing the Collection of a land tax in Topsham," reported that it ought to pass, and the said [bill] being again read, Resolved, To concur with the house in passing said bill into a law.

A bill, passed in the house of Representatives, Entitled "An act establishing the votes and proceedings of the Proprietors of the Town of Thetford, relative to a division of said town into severalty, granting them power to pitch their undivided lands, and to raise a tax for defraying the demands against said Proprietors," was sent up for revision &c. and being read, Ordered, That it be referred to Mr. Witherell and Gov. Brigham.

Mr. Niles, from the Committee to whom was referred the bill Entitled "an act in addition to an act entitled 'an act assessing a tax of one cent per acre on the town of Middlesex,'" reported that it ought to pass, whereupon Resolved, To concur in passing the said bill into a law.

Mr. Galusha, from the Committee to whom was referred the bill Entitled "An act laying a tax on the Proprietors of Topsham," reported the following amendments, viz. "Provided allways, that any sale made by the Collector under this act shall in no wise affect the title of any under purchaser from the Proprietors of any Particular lot or lots, by him, her or them owned or purchased, in severalty as aforesaid"—which report was accepted, and the bill ordered to lie on the table for further amendment.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following resolution was, at this time, received from the house, viz:

"In General Assembly Oct. 14<sup>th</sup> 1803.

On motion of Mr. A. Marsh, Resolved, That it be recommended to the Governor, by and with the advice of Council, to appoint the First Thursday of December next as a day of public Thanksgiving and praise throughout this State. Extract from the Journals.

Att. A. HASWELL Clerk."

And the same being read, Resolved, That the Council do advise his Excellency to issue his proclamation in pursuance of the foregoing resolve.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act establishing the Proprietors' proceedings and draft of the allotment in the township of Montgomery;" "An act in addition to an act Entitled 'an act in addition to an act Entitled An act directing the organization of the County of Essex,' passed October 1801;" and "An act discharging Jedediah and Ebenezer Durfey and others from a certain note;" and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

Mr. Niles, from the Committee appointed on the bill Entitled "An act for the relief of Jonathan Armstrong," reported that the said bill ought not to pass. The Council after a desultory debate and without any particular order on said report, Resolved, To concur with the house in passing said bill into a law.

A bill, passed in the house of Representatives, Entitled "An act confirming the records of the town of Bridport," was sent up for revision &c. Read and Ordered, That it be referred to Mr. Witherell.



Mr. Shepardson, to whom was referred the bill Entitled "An act laying a tax of four cents per acre on the town of Jamaica," reported that "in his opinion the Governor and Council ought to concur in passing said bill," and the bill being again read, and report accepted. Resolved, To concur with the house in passing said bill into a law.

Mr. Witherell, from the Committee to whom was referred the bill Entitled "An act establishing the votes and proceedings of the Proprietors of Thetford &c." reported the following resolution, which was adopted and ordered to be sent to the house by Mr. Witherell: Resolved, The house of Representatives concurring therein, that the petition of the Proprietors of Thetford, with the bill accompanying the same, be laid over until the next session of the Legislature of this State—That said Proprietors may have opportunity to publish in the Vermont Journal the substance of the act prayed for, to call on the land-holders in said town to give their sense on said subject at [a] town meeting legally warned for that purpose, that they ascertain by proper documents the sums necessary to be raised by tax, and also that the Petitioner may be able to show that he is agent for said Proprietors.

Mr. Galusha, to whom was referred the bill Entitled "An act limiting the time for presenting prize tickets to the Managers of the Castleton and Hubbardton Road Lottery," reported that said bill ought to pass with the following amendments, That after the word "act," in third line of said bill, there be added the following, viz. "and a list of all the prizes drawn in said lottery," and after the word "Mercury," in the 4<sup>th</sup> line of said section, there be inserted the words "And Vermont Gazette," whereupon, Resolved, To concur with the house in passing the said bill into a law, with the above proposals of amendment, and Mr. Galusha was appointed to carry down the same and assign to the house the reasons for said amendments.

Adjourned until 9 O'clock Tomorrow morning.

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FRIDAY, October 28<sup>th</sup> 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

Mr. Galusha, from the Committee to whom was referred the bill Entitled "An act laying a tax on the Proprietors of Topsham," reported the following amendments, viz. That after the word "same" in the 16<sup>th</sup> line of the preamble of the said bill, the remainder of the preamble be erased, that after the word "the" in the 13<sup>th</sup> line of the 1<sup>st</sup> Section, the words "Green Mountain Patriot" be erased, and the words "Weekly Wanderer," be inserted in lieu thereof, and that the proviso reported yesterday be added to the bill, which report was accepted, & Resolved, To concur with the house in passing the said bill into a law with the said proposals of amendment.

On motion of Mr. Niles, Resolved, That a Committee of Five members be appointed to consider and report whether any, and if any what further measures, can be adopted to restrain and regulate the granting land taxes, for the proposed purposes, of making and repairing roads and bridges in particular towns in this State. Members Chosen, Mr. Niles, Mr. Galusha, Mr. Witherell, Mr. Fletcher and Mr. White.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act laying a tax of two cents per acre on the town of Enosburgh;" "An act laying a tax of three cents per acre on the town of Guildhall;" "An act incorporating the Gore herein after mentioned into a town by the name of Bradley-Vale [part of Burke]," and "An act laying a tax of two cents

per acre on Bakersfield," and the said bills, being severally read and considered, Resolved, To concur in passing them respectively into laws.

M<sup>r</sup>. Witherell, to whom was referred the bill Entitled "An act confirming the records of the town of Bridport," reported that the same ought to pass, and the bill being again read, Resolved to concur with the house in passing the same into a law.

A bill, passed in the house of Representatives, Entitled "An act to establish the records and proceedings of Coventry in organizing the town," was sent up for revision &c. read & Resolved, To concur with the house in passing said bill into a law, with the revision [provision] noted on the same.

M<sup>r</sup>. Keyes, to whom was referred the bill Entitled "An act suspending suits against Charles Ellis Junior for the term of five years," reported that the said bill ought to pass, and it being again read, Resolved, To concur with the house in passing the same into a law.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act empowering Sarah Ingraham, Administratrix on the estate of Robert Ingraham deceased, to deed certain lands," was sent up for revision &c. read and Resolved, To concur with the house in passing the said bill into a law, with this proposal of Amendment, That the name "Ingraham" be altered to "Ingram."

A bill, passed in the house of Representatives, Entitled "An act directing the Treasurer of this State to credit the First Constable of the town of Hartford the sum therein mentioned," was sent up for revision &c. and being read and considered, Resolved, To concur with the house in passing said bill into a law.

Adjourned to 9 O'clock Tomorrow morning.

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SATURDAY, October 29<sup>th</sup>, 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, passed in the house of Representatives, Entitled "An act to enable the proprietors and landowners of the town of Essex to divide their lands into severalty," was sent up for revision &c. read and Ordered, That it be referred to M<sup>r</sup>. Chittenden and M<sup>r</sup>. Wheelock.

A bill, passed in the house of Representatives, Entitled "An act directing the recording of warrants and proceedings of Sheriffs in certain cases," was sent up for revision &c. read and Ordered, That it be referred to M<sup>r</sup>. Witherell and M<sup>r</sup>. Galusha.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of one and an half cent per acre on the town of Rochester," was sent up for revision &c. and being read and considered, Resolved, To concur with the house in passing said bill into a law.

Adjourned untill Monday morning 9 O'clock.

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MONDAY, October 31<sup>st</sup>, 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

M<sup>r</sup>. Chittenden, to whom was referred the bill Entitled "An act to enable the Proprietors and landowners of the town of Essex to divide their lands into severalty," reported that said bill ought to pass, and it being again read, Ordered, That it be referred to M<sup>r</sup>. Witherell for further examination.

A bill passed in the house of Representatives, Entitled "An act authorizing the Governor of this State to complete the Charter of Montpelier," was sent up for revision &c. read, and Ordered, That it lie on the table.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of three cents per acre on the town of Winhall," was sent up for revision &c. read, and Ordered, That it be referred to Mr. Keyes.

A bill, passed in the house of Representatives, Entitled "An act authorizing the annexing of two certain school Districts," was sent up for revision &c. and being read and considered, Resolved, To concur with the house in passing said bill into a law. The bill Entitled "An act limiting the time for presenting the prize Tickets to the managers of the Castleton and Hubbardton road Lottery," was returned by Mr. Shaw, member of the house, who delivered this message: "The house of Representatives have concurred in the first amendment to said bill and non-concurred in the second," and after assigning the reasons for the same, he withdrew. And the said bill being again read, Resolved, To rescind from the Second proposed amendment, and to concur in passing said bill with this amendment, viz. that the words "Vermont Gazette" be inserted in lieu of "Rutland Mercury" in the 4<sup>th</sup>. line of 2<sup>nd</sup> Section.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

Mr. Keyes, to whom was referred the bill Entitled "An act laying a tax of three cents per acre on the town of Winhall," reported sundry amendments to be made thereto, which were adopted, and the said bill being again read, Resolved, To concur in passing the same into a law, with the proposal of amendment accompanying the same, and Mr. Keyes appointed to inform the house of the reasons for s<sup>d</sup> amendment.

The Governor and Council, pursuant to adjournment, proceeded to the Representatives' room, and met the house in joint Committee for the purpose of completing the Elections of the respective County Officers, and having finished the same, the Committee was dissolved and the Governor and Council returned to their Chamber.

Mr. Galusha, from the Committee to whom was referred the bill Entitled "An act directing the recording of warrants and proceedings of Sheriffs in certain cases," reported that said bill ought to pass, and it being again read, Resolved, To concur with the house in passing said bill into a law.

A bill, passed in the house of Representatives, Entitled "An act freeing the body of Timothy Clements from Arrest," was sent up for revision &c. and being read and considered, Resolved, To concur with the house in passing said bill into a law.

Mr. Witherell, from the Committee to whom was referred the bill Entitled "An act to enable the Proprietors and landowners of the town of Essex to divide their lands into severalty," reported the following resolution: Resolved, The house of Representatives concurring therein, that the within bill be laid over to the next Session of the Legislature and that it be the duty of the town Clerk of Essex to cause to be published the substance of this bill in the public newspapers, printed in Burlington, and therein notify the Proprietors and landowners of said town to appear at the next Session of the legislature, and shew cause why the said bill should not be passed into a law." And the said resolution being read and considered, was adopted, and Mr. Witherell appointed to carry the same to the house & acquaint that body with the reasons for passing the same.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of three cents per acre on the town of Lunenburg," was sent up

for revision &c. and being read, it was Ordered, That it be referred to Mr. Shepardson.

A bill, passed in the house of Representatives, Entitled "An act in explanation of, in addition to, and alteration of an act Entitled 'An act defining the powers of Justices of the Peace within this State,' and to the several acts relating thereto," was sent up for revision &c. and being read, it was Ordered, That it be referred to Mr. Niles, Mr. Galusha and Mr. Wheelock.

The Council adjourned until 9 O'clock Tomorrow morning.

**TUESDAY, November 1<sup>st</sup> 1803, 9 O'clock A. M.**

The Council met pursuant to adjournment.

On motion of Gov<sup>r</sup>. Brigham, Resolved, To reconsider the vote concurring in the bill Entitled "An act freeing the body of Timothy Clements from arrest," and to concur in passing said bill into a law with the proposals of amendment accompanying the same. And Gov. Brigham was appointed to carry said bill to the house and acquaint them with the reasons of said amendments.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of one and an half cents per acre on the town of Canaan," was sent up for revision &c. Read, and Ordered, That it be referred to Mr. Spooner.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act altering the time of holding the County Courts in the Counties of Chittenden and Addison;" "An act laying a tax of three cents per acre on all the lands in the town of Cavendish;" "An act directing the Treasurer of this State to credit the town of Putney the sum therein mentioned;" "An act laying a tax of three cents per acre on the town of Georgia;" and "An act altering the name of Henry Stephen Hall to Gardiner Chandler Hall;" and the said bills being severally read and considered—Resolved, To concur with the house in passing them respectively into laws.

A bill, passed in the house of Representatives, Entitled "An act reviving an act laying a land tax on Milton," was sent up for revision &c. read, and Ordered, That it lie on the table.

A bill, passed in the house of Representatives, Entitled "An act to revive an act and to repeal an act as therein mentioned," was sent up for revision &c. read and Ordered, That it be referred to Mr. Loomis.

Adjourned to 2 O'clock P. M.

**2 O'CLOCK P. M.**

A bill, passed in the house of Representatives, Entitled "An act directing the Treasurer of the State of Vermont to pay Asa Smith the sum of money therein mentioned," was sent up for revision &c. and being read and considered, Resolved, To concur with the house in passing the said bill into a law, with the proposals of amendment noted on the same, and Mr. Wheelock appointed to inform the house of the reasons for the same.

The bill Entitled "An act reviving an act laying a land tax on Milton," was again read, when it was Resolved, To concur with the house in passing said bill into a law.

The following written message was received from the house:

"In General Assembly Oct. 31<sup>st</sup> 1803.  
"An act establishing the Flag of the Militia of this State," sent down from Council, was read and concurred in.

Attest **A. HASWELL Clerk."**

Adjourned until 9 O'clock Tomorrow Morning.

WEDNESDAY, November 24 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

A bill, passed in the house of Representatives, Entitled "An act in addition to an act Entitled 'An act laying a tax of eight cents per acre on the town of S<sup>t</sup> Albans for the purpose therein mentioned,'" was sent up for revision &c. read, and Ordered, That it be referred to the L<sup>d</sup> Governor, M<sup>r</sup> Safford, and M<sup>r</sup> Galusha.

A bill, passed in the house of Representatives, Entitled "An act to repeal part of an act Entitled 'an act establishing the lines of the towns of Berkshire, Enosburgh, Richford, Montgomery, Jay and Westfield, and directing the sale of a Gore of land between Enosburgh and Montgomery, Berkshire and Richford,'" was sent up for revision &c. and being read, it was Ordered, That it be referred to M<sup>r</sup> Niles, M<sup>r</sup> Witherell and M<sup>r</sup> Loomis.

M<sup>r</sup> Spooner, to whom was referred the bill Entitled "An act laying a tax of one cent per acre on the town of Canaan," reported that said bill ought to pass, and the said bill, being again read, Resolved, To nonconcur with the house in passing the same into a law, and M<sup>r</sup> Niles appointed to reduce to writing the reasons for such nonconcurrence.

A bill, passed in the house of Representatives, Entitled "An act in addition to and in alteration of an act Entitled 'an act in addition to an act directing the publication of advertisements in the newspapers therein mentioned,'" was sent up for revision &c. read and Ordered, That it be referred to M<sup>r</sup> Shepardson.

A bill, passed in the house of Representatives, Entitled "An act granting a new trial to Ebenezer Allen," was sent up for revision &c. and being read and considered, it was Resolved, To concur with the house in passing said bill into a law.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

M<sup>r</sup> Shepardson, to whom was referred the bill Entitled "An act laying a tax of three cents per acre on the town of Lunenburg," reported that the said bill ought to pass into a law, which report being considered, and the bill again read, Ordered, That the said bill be recommended to the same Committee, and that M<sup>r</sup> Loomis be added to said Committee.

M<sup>r</sup> Niles, from the Committee to whom was referred the bill Entitled "An act in explanation of, in addition to, and alteration of an act Entitled 'An act defining the powers of the justices of the peace within this State,' and to the several acts relating thereto," reported sundry amendments to be made to the same, which were rejected, and it was Resolved, To concur with the house in passing said bill, with other amendments noted on the same, and M<sup>r</sup> Galusha appointed to carry said bill to the house and inform them of the reasons for proposing the said amendments.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, "An act empowering the towns of Whitingham and Wilmington to incorporate part of said towns into one School District," and "An act directing the Treasurer to credit the first Constable of the town of Westminster the sum therein mentioned," and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

A bill, passed in the house of Representatives, Entitled "An act to authorise the Supreme Court to empower Guardians to sell the real Estate of their wards," was sent up for revision &c. read, and Ordered, That it be referred to M<sup>r</sup> Galusha and M<sup>r</sup> Loomis.

A bill, passed in the house of Representatives, Entitled "An act laying

a tax of three cents per acre on the town of Kingston" [Granville,] was sent up for revision &c. read, and Ordered, That it be referred to Mr. Keyes.

A bill, passed in the house of Representatives, Entitled "An act directing the Treasurer of this State to pay to Levi Thatcher the sum therein mentioned," was sent up for revision &c. read, and Ordered, That it be referred to Mr. Spooner.

Adjourned until 9 O'clock Tomorrow Morning.

THURSDAY, November 3<sup>rd</sup> 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

Mr. Spooner, to whom was referred the bill Entitled "An act directing the Treasurer of this State to pay Levi Thatcher the sum therein mentioned," reported that it ought to pass, whereupon Resolved, To concur with the house in passing the said bill into a law.

A bill, passed in the house of Representatives, Entitled "An act granting to Lemuel Dickerman a new trial," was sent up for revision &c. and being read and considered, Resolved, To concur with the house in passing the said bill into a law.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act giving to the Company of Artillery in the second Regiment Second Brigade and second Division of the militia of this state, equal privileges and immunities with other companies of militia in this state," was sent up for revision &c. and being read, Resolved, To concur with the house in passing the said bill into a law, with the proposals of amendment accompanying the same, and the Lt Governor appointed to assign to the house the reasons for said amendments.

Mr. Niles, from the Committee to whom was referred the bill Entitled "An act to repeal part of an act Entitled 'An act establishing the lines of the towns of Berkshire, Enosburgh, Montgomery, Jay and Westfield, and directing the sale of a gore of land between Enosburgh and Montgomery, Berkshire and Richford,' passed 10<sup>th</sup> Nov. 1802," reported, that the said bill with the amendment of striking out the preamble ought to pass, and the said bill being again read, Resolved, To concur with the house in passing the same into a law, with the said proposal of amendment, and Mr. Loomis appointed to assign to the house the reasons for the same.

Mr. Loomis, from the Committee to whom was referred the bill Entitled "An act laying a tax of three cents per acre on the town of Lunenburg," reported that it ought not to pass, & Resolved, To nonconcur with the house in passing said bill into a law, and Mr. Loomis appointed to draw up the reasons in writing.

Adjourned to 9 O'clock Tomorrow morning.

FRIDAY, Nov. 4<sup>th</sup> 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Lt Governor, from the Committee to whom was referred the bill Entitled "An act in addition to an act Entitled 'An act laying a tax of eight cents per acre on the town of St Albans for the purpose therein mentioned,' passed Nov. 5, A. D. 1800," reported sundry amendments to be made thereto, and the parties interested being heard, Resolved, To concur in passing said bill with the amendments noted on the same, and

Mr. Galusha appointed to inform the house of the reasons for proposing the same.

Mr. Keyes, to whom was referred the bill Entitled "An act laying a tax of three cents per acre on the town of Kingston" [Granville,] reported that said bill ought to pass, whereupon, Resolved, To concur with the house in passing said bill into a law.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following resolution was received from the house:

"In General Assembly Nov. 4<sup>th</sup> 1803.

Resolved, the Governor and Council concurring therein, that the two houses meet in grand Committee, at the opening of the house tomorrow morning, for the purpose of choosing a Surveyor General, and another Justice of the peace in the County of Addison, and also to choose an auditor of accounts against the State. Extract from the Journals.

Attest ANTHONY HASWELL *Clerk.*"

Which was read, and Resolved, To concur therein with this amendment, That the word "grand" be altered to the word "joint," and that "in the Representatives' room" be inserted after the word "morning."

On motion, Resolved, The house of Representatives concurring therein, that they meet the Governor and Council, in joint Committee, in the Representatives' room, at the opening of the house tomorrow morning, for the purpose of electing a Brigadier General in the third Brigade in the fourth division of the Militia.

A bill, passed in the house of Representatives, Entitled "An act to incorporate a bank at Windsor in this State," was sent up for revision &c. read, and the parties interested being heard, Ordered, That it lie on the table.

Adjourned until 9 O'clock Tomorrow morning.

SATURDAY, November 5<sup>th</sup> 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, "An act directing the Treasurer to pay to James Whitelaw Esquire the sum therein mentioned," and "An act laying a tax of two cents per acre on the town of Mansfield," and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of two cents per acre on the town of Sterling," was sent up for revision &c. read, and Resolved, To concur with the house in passing said bill into a law, with this proposal of amendment, in the 12<sup>th</sup> line of the 1<sup>st</sup> Section erase the word "Orleans" and insert "Franklin."

A bill, passed in the house of Representatives, Entitled "An act in alteration of and to amend an act Entitled 'An act relating to Goals and Goalers, and for the relief of persons imprisoned therein,' passed March 9<sup>th</sup> A. D. 1797," was sent up for revision &c. and being read, Ordered, That it be referred to Mr. Witherell, Mr. Niles & the Lt. Governor.

Mr. Shepardson, to whom was referred the bill Entitled "An act in addition to and alteration of an act Entitled 'An act in addition to an act Entitled An act directing the publication of advertisements in the news-papers therein mentioned,' passed 5 Nov. 1799," reported that it ought to pass, Whereupon, Resolved, To concur with the house in passing said bill into a law.

Benjamin Swan Esq<sup>r</sup> Treasurer of the State, produced his bonds, executed according to law, and the same being approved, the necessary oaths were administered to him by the Governor.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

Mr. Loomis, from the committee to whom was referred the bill Entitled "An act to authorize the Supreme Court to empower Guardians to sell the real estate of their wards," reported sundry amendments, which were adopted, and then it was Resolved, To concur with the house in passing the said bill into a law, with the proposals of amendment accompanying the same, and Mr. Loomis appointed to assign to the house the reasons therefor.

The Council again resumed the consideration of the bill Entitled "An act to incorporate a Bank at Windsor in this State;" on the passing of said bill, the yeas and nays being required by Mr. Witherell, He who voted in the affirmative was Mr. Keyes; Those who voted in the negative were—The Lt Governor, Mess<sup>rs</sup> Chittenden, Galusha, Loomis, Spooner, Safford, White, Witherell, Niles, Fletcher, Wheelock & Shepardson. Yea 1, Nays 12; so the said bill was nonconcurrent, & Mr. Niles, Mr. Galusha & Mr. Witherell appointed a Committee to assign the reasons in writing.

The Council then took under consideration the bill Entitled "An act to incorporate a bank at Burlington in this State," and Resolved, To nonconcur with the house in passing the said bill into a law, and the same reasons applying to the aforesaid bill be assigned as the reasons on this.

Adjourned to 9 O'clock Monday Morning.

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MONDAY, November 7<sup>th</sup> 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, "An act directing the Treasurer to credit the town of Granby the sum therein mentioned," and "An act directing the Treasurer of this State to credit the town of Lemington the sum therein mentioned," and the said bills being read, Ordered, That they be referred to Mr. White.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of three cents per acre on the town of Plymouth," was sent up for revision &c. read, and Resolved, To concur with the house in passing said bill into a law.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of four cents per acre on the town of Navy" [Charleston,] was sent up for revision &c. and being read, Ordered, That it be referred to Mr. Fletcher.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

Mr. Fletcher, to whom was referred the bill Entitled "An act laying a tax of four cents per acre on the Township of Navy," reported that said [bill] ought to pass, and it being again read, Resolved, To concur with the house in passing the same into a law.

Mr. White, to whom was referred the bills, one Entitled "An act directing the Treasurer to credit the town of Danby the sum therein mentioned," and the other Entitled "An act directing the Treasurer of this State to credit the town of Lemington the sum therein mentioned," reported that after the titles of said bills the whole be erased, and the two



bills accompanying be proposed as substitutes, and the said bills being read, and also as amended, Resolved, To concur in passing the same with the above proposal of amendment, and Mr. White appointed to inform the house of the reasons for proposing the same.

The following bills, passed in the house of Representatives, were sent up for revision or concurrence or proposals of amendment, "An act altering the name of Harwich, in the County of Rutland, to that of Mr. Tabor," and "An act laying a tax of two cents per acre on the town of Woodbury," and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

A bill, passed in the house of Representatives, Entitled, "An act in addition to and in alteration of an act Entitled 'An act empowering the Selectmen of the several towns in this State to take charge of and lease out the lands granted to the first settled Minister, and for the use of the Ministry,'" was sent up for revision &c. and being read, Ordered, That it lie on the table.

Mr. Chittenden asked and obtained leave of absence after tomorrow for the remainder of the Session.

Adjourned until 9 O'clock tomorrow morning.

**TUESDAY, November 8<sup>th</sup> 1803, 9 O'clock A. M.**

The Council met pursuant to adjournment.

On motion, Resolved, The house of Representatives concurring therein, That Mr. Shepardson be a Committee from Council to join such Committee as the house of Representatives may appoint, to receive and distribute the Election Sermons and Proclamations for Thanksgiving.

Mr. Niles, from the Committee appointed on that subject, reported the reasons for the nonconcurrence of the Governor and Council to the bill Entitled "An act to incorporate a Bank at Windsor in this State," and the same being read, were adopted, and ordered to be sent to the house with said bill, and are as follows, to wit:

"1. Because Bank bills being regarded as money, and money, like water, always seeking its level, the bills put into circulation within this State must displace nearly the same sum of money now in circulation among us, and by driving it into the seaports, facilitate its exportation to foreign Countries; which, as bank bills cannot be made a legal tender, must prove a calamity to the Citizens generally, and especially to those who dwell at a distance from the proposed Banks.

"2. Because by introducing a more extensive credit, the tendency of banks would be to palsy the vigor of industry, and to stupify the vigilance of economy, the only two honest, general and sure sources of wealth. In this view, banks would tend to divert the attention of the speculator, the inexperienced youth, the indolent and the incautious, from those honest, honorable and sure sources of mediocrity and independence, and to fix it upon imaginary and unjustifiable methods of suddenly accumulating an overgrown property; in pursuit of which a large proportion of the adventurers would probably at the same time sacrifice the property with which they began their speculations, and imbibe an ungovernable disgust for wholesome industry and economy, now become more necessary than ever.

"3. Because banks, by facilitating enterprises, both hazardous and unjustifiable, are natural sources of all that class of vices, which arise from the gambling system, and which cannot fail to act as sure and fatal tho' slow poisons, to the republic in which they exist.

"4. Because Banks tend strongly to draw off the dependence of debtors from their own exertions as means of payment, and to place it on

the facility of increasing new debts to discharge the old; which cannot but be detrimental, both to the debtor, & thro' his example, to Society at Large.

"5. Because Banks have a violent tendency, in their natural operation, to draw into the hands of the few, a large proportion of the property, at present, fortunately, diffused among the many; and in this way, straiten the circumstances of the many, and thus render them still more dependent on the few, and of course to make them, thro' necessity, yet more subservient to their aspiring views: and, by these means, the tendency of banks seems to be, to weaken the great pillars of a republican government, and, at the same time, to increase the forces employed for its overthrow.

"6. Because, as Banks will credit none, but persons of affluence; those who are in the greatest need of help, cannot expect to be directly accommodated by them: And as the banks would enable those who have credit with them, to loan money at an exorbitant interest to the necessitous, there is reason to fear lest they should operate as means of increased usury and oppression.

"7. Because, should the bill pass into a law, we apprehend it would be found necessary at least to render the bank granted thereby perpetual. A measure which appears to us too important to be adopted without a more thorough investigation than the novelty of the question, its extent, and the shortness of the time will allow.

"8. Because, by the establishment government will, in our opinion, go further than could have been contemplated in its original institution. Government, we apprehend, was not designed to open new fields of speculation, nor to direct the efforts of individuals, but merely to protect them in respect of property and such of their pursuits as are not inconsistent with the general good of the Citizens at large; much less was it designed as a means of drawing property out of the hands of the less wealthy, to place it in the hands of the more wealthy."

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment. "An act laying a tax of three cents per acre on the town of Westfield," "An act laying a tax on the several towns here in after mentioned," and "An act relating to the Goal in Vergennes in the County of Addison," and the said bills being severally read & considered, Resolved, To concur with the house in passing them respectively into laws.

On motion, Resolved, That M<sup>r</sup>. Niles and M<sup>r</sup>. Fletcher be a Committee to take under consideration all bills sent up from the house of Representatives granting land taxes. Resolved, further, that M<sup>r</sup>. Witherell be requested to wait on the house of Representatives and acquaint them with the reason influencing the Council to pass the above resolve.

M<sup>r</sup>. Brigham, from the Committee to whom was referred the bill Entitled "An act in alteration of and to amend an act Entitled 'an act relating to Goals and Goalers, and for the relief of persons imprison'd therein,' passed March 9<sup>th</sup> 1797," reported sundry amendments to be made thereto, and the said bill being again read, Resolved, To concur with the house in passing the same into a law, with the proposals of amendment as reported and noted thereon, and M<sup>r</sup>. Brigham appointed to wait on the house and inform them of the reasons of said amendments.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill, passed in the house of Representatives, Entitled "An act ratifying and confirming the proceedings of a Collector of a land tax in Bridgewater," was sent up for revision &c. & being read, Resolved to

nonconcur with the house in passing said bill into a law, & for the reasons transmitted with the same, in writing.

His Excellency informed the Council that he had received a letter from the hon'ble Theophilus Harrington resigning his office as Chief Judge of the County Court in the County of Rutland—whereupon, on motion, Resolved, The house of Representatives concurring therein, that the different branches of the General Assembly meet in joint Committee in the representatives' Room, at the opening of the house tomorrow morning, for the purpose of choosing a Chief Judge of the County Court within and for the County of Rutland, to supply the vacancy in that office occasioned by the appointment of the Hon'ble Theophilus Harrington to the office of assistant Judge of the Supreme Court of Judicature, and to fill all vacancies that may happen in consequence of said appointment.

A bill, passed in the house of Representatives, Entitled "An act directing the Treasurer to pay to his Excellency the Governor the sum therein mentioned," was sent up for revision &c. and being read and considered, Resolved, To concur with the house in passing said bill into a law.

Adjourned to 9 O'clock Tomorrow morning.

WEDNESDAY, October [November] 9<sup>th</sup> 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

The resolution of Council relative to the Election of a Chief Judge of the County Court in Rutland County, was returned from the house concurred, with amendments, in which the Council concurred. And, pursuant to the said resolution, the Governor and Council proceeded to the Representatives' room and met the house in joint Committee for the purpose expressed therein. and having completed said business, the joint Committee was dissolved, and the Governor and Council returned to their Chamber.

A bill, passed in the house of Representatives, Entitled "An act empowering the Proprietors of Moretown in the County of Chittenden to complete their survey and field book, and ratify their former proceedings relative to said town, and to grant a tax to defray the expense thereof," was sent up for revision &c. and it being read, Ordered, That said bill be referred to M<sup>r</sup>. Niles and M<sup>r</sup>. Wheelock.

A bill, passed in the house of Representatives, Entitled "An act directing the mode of passing certain acts therein mentioned," was sent up for revision &c. Read, and Ordered, That it be referred to M<sup>r</sup>. Keyes.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act in addition to an act Entitled 'An act altering the times for the sitting of the Supreme Court of Judicature, Court of Chancery, and County Courts, in the County of Franklin,' passed Oct. 30, A. D. 1798;" "An act in addition to and alteration of an act Entitled 'An act granting to John W. Blake, Calvin Knoulton, and their Associates, the privilege of building a Bridge over West River in Brattleboro;" "An act directing the Treasurer to credit the town of Groton the sum therein mentioned;" and "An act laying a tax of four cents on each acre in the township of Alburgh," and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The bill Entitled "An act in addition to and alteration of an act Entitled 'An act empowering the Selectmen of the several towns in this State to take charge of and lease out the lands granted to the first settled minister, and for the use of the ministry,' passed Nov. 3, A. D. 1798," was again read, when it was Resolved, To concur with the house in passing said bill into a law, with the amendments accompanying the same, and M<sup>r</sup>. Galusha was appointed to inform the house of the reasons for proposing the same.

A bill, passed in the house of Representatives, Entitled "An act granting to Jesse Williams, Judge of Probate for the District of Hartford, and his successors in office, in trust for the use of Mercy Stebbins, of Barnard, one hundred acres of land, in said Barnard," was sent up for revision &c. and being read, Resolved, To concur with the house in passing said bill into a law, with the proposals of amendment accompanying the same, and M<sup>r</sup>. Galusha appointed to inform the house of the reasons of Council for proposing the same.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act in addition to an act passed 7 Nov. 1792, Entitled 'An act in alteration of an act entitled an act granting to William Page and Lewis R. Morris, their heirs and Assigns forever, the exclusive right of locking Bellows Falls, on Connecticut River, and for repealing an act passed the 1<sup>st</sup> day of Nov. 1791, granting the same, and also in alteration of an act passed the 17<sup>th</sup> day of October 1795, for increasing the toll on all kinds of lumber;" "An act granting to Amasa Ladd and Nathaniel Duglass jun<sup>r</sup> of Vineyard [Isle la Motte] in the County of Franklin, the exclusive right of keeping a ferry from the east side of Vineyard to the North-Hero and Alburgh;" "An act altering the Post or Stage Road leading from Rutland to Vergennes, from Pittsford Meeting house to William Spencer's in said Pittsford;" and "An act appointing a new member of a Committee on a tax on Coit's Gore;" and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

M<sup>r</sup>. Niles, from the Committee to whom was referred the bill Entitled "An act empowering the proprietors of Moretown, in the County of Chittenden, to complete their survey and field book, and ratify their former proceedings relative to said town, and to grant a tax to defray the expence thereof," reported sundry amendments—whereupon Resolved, To concur with the house in passing the said bill into a law, with the said proposals of amendment, and M<sup>r</sup>. Niles was appointed to carry said bill to the house and inform them of the reasons for the same.

Adjourned to 9 O'clock Tomorrow morning.

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THURSDAY, November 10, 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolution was received from the house:

"In General Assembly Nov. 10, 1803.

Resolved, The Governor and Council concurring therein, that the General Assembly adjourn on the 12<sup>th</sup> day of November instant. Extract from the Journals.

Attest, A. HASWELL Clerk."

And the same being read, it was Ordered, To lie on the table.

A bill, passed in the house of Representatives, Entitled "An act granting to Isaac Eddy a tract of land therein mentioned," was sent up for revision &c. read and Ordered, That it be referred to M<sup>r</sup>. Loomis and M<sup>r</sup>. Spooner.

A bill, passed in the house of Representatives, Entitled "An act directing the mode of paying costs therein mentioned," was sent up for revision &c. and being read and considered, Resolved, To nonconcur with the house in passing said bill into a law for the reasons in writing transmitted with the same.

A bill, passed in the house of Representatives, Entitled "An act establishing the boundary lines of the town of Stratton," was sent up for revision &c. read and Resolved, To concur with the house in passing said bill into a law, with this proposal of amendment—add these words, "nor contain more land than is contained in a six mile square Township," to the end of the bill.

A bill, passed in the house of Representatives, Entitled "An act authorizing the Selectmen of the town of Cabot to make an alteration in the County road, leading thro' said town," was sent up for revision &c. and being read and considered, Resolved, To concur with the house in passing said bill into a law.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

A bill Entitled "An act authorizing the Governor of this State to complete the Charter of Montpelier," was again read, and then it was Resolved, To concur in passing said bill, with the proposals of amendment noted on the same, and the L<sup>t</sup> Governor appointed to inform the house of the reasons for said amendments.

A bill, passed in the house of Representatives, Entitled "An act for the laying of a Post Road from the north line of Huntsburgh [Franklin] in the County of Franklin. to Hinesburgh in the County of Chittenden," was sent up for revision &c. read & ordered, That it be referred to Mr. Niles and Mr. Loomis.

A bill, passed in the house of Representatives, Entitled "An act enabling the minor heirs of Ethan Allen, late of Burlington in the County of Chittenden, deceased, by their present or future Guardian or Guardians, to settle disputes respecting real Estate, by arbitration, reference, agreement, or otherwise, and also to enable said minor heirs, by their present or future Guardian or Guardians, to sell part of their real estate, for the purposes therein mentioned," was sent up for revision &c. & being read and considered, Resolved, To concur with the house in passing said bill into a Law.

Mr. Galusha, from the Committee to whom was referred the bill Entitled "An act directing the mode of paying costs therein mentioned," reported sundry amendments, when it was Resolved, To concur with the house in passing said bill into a law, with said proposals of amendment, and Mr. Galusha appointed to inform the house of the reasons for proposing them.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act establishing a Corporation by the name of the Williamstown Centre Turnpike Company;" "An act in addition to an act Entitled 'An act reducing into one the several acts for laying out, making, repairing, and clearing Highways;'" "An act in addition to and amendment of an act Entitled 'An act appointing a Committee to lay out and survey a public road from Berkshire to Brandon, on a direct communication from the north to the South part of this State,' passed Nov. 12, A. D. 1802;" and "An act appointing a Committee to lay out a road from the County road in Barton to the County Road leading from Greensboro' to Danville;" and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

Adjourned to 9 O'clock Tomorrow Morning.

FRIDAY, November 11, 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

On motion, Resolved, The house of Representatives concurring therein, that the two branches of the legislature meet in joint Committee in the Representatives' room at ten o'clock this morning, for the purpose of electing a Brigadier General in the 2<sup>d</sup> Brigade in the third Division of the Militia of this State in the place of Prince B. Hall Esq<sup>r</sup> resigned.

The above resolution was returned from the house concurred, and the following one from the house was received at the same time:

“ In General Assembly Nov. 11, 1803.

Resolved, the Governor and Council concurring therein, that the two branches of the legislature meet in joint Committee in the representatives' room, at ten o'clock this morning, for the purpose of electing a Chief Judge of the County Court in the County of Windsor, in the room of Jesse Williams, declined, and an assistant Judge for the County of Rutland in the room of Nathaniel Wood Jr<sup>r</sup> declined; also an assistant Judge in the County of Windham, in the room of Jason Duncan declined, as well as to do any other business which may be found necessary when convened. Extract from the Journals.

Attest A. HASWELL, Clerk.”

And the same being read, Resolved To concur therein with this amendment, that the words after “ Jason Duncan declined ” be erased & the following be added, “ and, also, to appoint an High Bailiff for the County of Franklin in the place of Tho<sup>s</sup> Russell, who has declined accepting said office.” The above amendments being concurred in by the house, and the Governor and Council notified thereof, they repaired to the Representatives' room and met the house in joint Committee for the purpose expressed in the above resolutions; and having completed the appointments of the said officers, the joint Committee was dissolved and the Governor and Council returned to their Chamber.

A bill, passed in the house of Representatives, Entitled “ An act granting to Isaac Eddy a tract of land therein mentioned,” was sent up for revision &c. and being read and Considered, Resolved, The house of Representatives concurring therein, that said bill be laid over to the next session of the General Assembly, and that the said Eddy, if he see fit, cause the lines of the towns of Stockbridge and Sherburne to be perambulated, so far as it may be necessary, to ascertain whether there be a gore of land between these towns, and the quantity of land that may be therein, and that it be done without expence to this state.

A bill, passed in the house of Representatives, Entitled “ An act laying a tax of two cents per acre on the town of Granby,” was sent up for revision &c. read and Resolved, To nonconcur with the house in passing said bill into a law, for the reasons assigned in writing on the back of said bill.

The Committee to whom was referred the bill Entitled “ An act laying a Post-Road from the North line of Huntsburgh [Franklin] in the County of Franklin to Hinesburgh in the County of Chittenden,” reported the following resolution, which was adopted by the Council, viz. Resolved, The house of Representatives concurring therein, that said bill be referred to the next session of the Legislature, and that notice be given to the Inhabitants and Proprietors of the several Towns therein mentioned, in the Burlington Newspapers, that they shew cause why said bill should not pass.

A bill, passed in the house of Representatives, Entitled “ An act in addition to an act Entitled ‘ An act authorizing the Proprietors of Guildhall to ratify and complete the division of their lands,’ &c.” was sent up

for revision &c. and being read, Resolved, To concur with the house in passing said bill into a law, with a proposal of amendment noted on said bill.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, "An act laying a tax of one and an half cents per acre on all the lands in the township of Middlesex;" "An act laying a tax of one cent per acre on the town of Stowe;" "An act laying a tax of three cents per acre on Coventry Gore, lying between Duncansboro' [Newport,] and Kelley's Grant No. 2;" "An act laying a tax of three cents per acre on the town of Troy, alias Missiskoui;" "An act laying a tax of three cents per acre on the town of Lutterloch [Albany,] & "An act laying a tax of three cents per acre on Kelley's Grant No. 2, in the County of Orleans," and the said bills being severally read and considered, Resolved, To concur with the house in passing them respectively into laws.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of two cents per acre on the township of Waterbury," was sent up for revision &c. and being read, Resolved, To concur with the house in passing said bill into a law, with the proposals of amendment accompanying the same.

Adjourned to 9 O'clock Tomorrow morning.

SATURDAY, November 12<sup>th</sup> 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

The resolution relative to the adjournment of the Legislature was again read, when it was Resolved, To nonconcur therein, and Mr. Withere'll was appointed to inform the house of the reasons of Council for such nonconcurrence.

The following resolution was received from the house:

"In General Assembly Nov. 12, 1803.

Resolved, the Governor and Council concurring therein, that the Legislature this day adjourn to the last Thursday of January next, then to meet at Windsor, in the County of Windsor. Extract from the Journals.

Attest A. HASWELL Clerk."

And the same being read, Resolved, To concur therein with this amendment, viz. That "Monday noon next," be inserted in lieu of "this day," and Mr. Galusha appointed to inform the house of the reasons of Council in proposing 3<sup>d</sup> amendment.

A bill, passed in the house of Representatives, Entitled "An act directing the Treasurer of this State to pay to certain persons the sums therein mentioned," was sent up for revision &c. read and Resolved, The house of Representatives concurring therein, that said bill be referred to the next stated or adjourned Session of the Legislature, and Mr. Galusha appointed to assign to the house the reasons for the said resolution.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act laying a tax of one cent and three mills on the dollar on the list of 1803," and "An act directing the Treasurer to pay to Benjamin Emmons Jun<sup>r</sup> Auditor, the sum therein mentioned," and the said bills, being severally read and considered, Resolved, To concur in passing them respectively into laws.

The following written message was received from the house:

"In General Assembly Nov. 12, 1803.

Resolved, That this house concur in the amendments proposed by the Governor and Council respecting the time when this house adjourn.

Attest ANTHONY HASWELL *Clerk.*"

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The following bills passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, "An act laying a tax of two cents per acre on the Township of Worcester," and "An act directing the Treasurer to pay the Engrossing Clerk annually, for the blanks by him furnished for sorting & counting the votes on the day of Election, the sums therein mentioned," and the said bills being severally read and considered, Resolved, To concur in passing them respectively into laws.

A bill, passed in the house of Representatives, Entitled "An act empowering the Administrator on the Estate of George Trumbull to sell certain lands," was sent up for revision &c. and the same being read and considered, Resolved, To concur with the house in passing said bill into a law, with the proposals of amendment accompanying the same.

A bill, passed in the house of Representatives, Entitled "An act empowering the Sheriff of Orleans County to provide one or more goals in said County," was sent up for revision &c. read & Resolved, To concur with the house in passing said bill into a law, with the proposals of amendment accompanying the same.

A bill, passed in the house of Representatives, Entitled "An act laying a tax of two cents per acre on Philadelphia" [Chittenden,] was sent up for revision &c. and being read, Resolved, To concur with the house in passing said bill into a law, with the proposals of amendment accompanying the same.

The following Bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment: "An act laying a tax of three cents per acre on the township of Hardwick," "An act in addition to an act Entitled 'An act for the Probate of Wills, and the settlement of Testate and Intestate estates,'" and "An act establishing a Corporation by the name of the Williamstown Centre Turnpike Company;" and the said bills being severally read and considered, Resolved To concur in passing them respectively into laws.

Adjourned to 9 O'clock on Monday Morning.

MONDAY, October 14<sup>th</sup>. 1803, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following bills, passed in the house of Representatives, were sent up for revision and concurrence or proposals of amendment, "An act laying a tax on the County of Windsor," and "An act laying a tax of two cents per acre on the town of Duncansborough" [Newport,] and the said bills being severally read and considered, Resolved, To concur in passing them respectively into laws.

A bill, passed in the house of Representatives, Entitled, "An act making the necessary appropriations for the support of government during the present session, and for other purposes," was sent up for revision &c. and being read, Resolved, To concur in passing said bill into a law with a proposal of amendment accompanying the same, and Mr. Safford appointed to inform the house of the reasons for proposing the said amendments.



Mr. Wheelock reported the Debenture of Council, which was passed as follows, viz.

	Travel in M <sup>ts</sup> .	Amount of Travel.	Days of Attendance.	\$ Amt. of Attendance.	Whole Amt.
		\$ cts.		\$ cts.	\$ cts.
His Honor Paul Brigham L <sup>d</sup> Governor	50	6.00	33	132.00	138.00
The hon <sup>ble</sup> Elisha Allis	76	9.12	2	3.00	12.12
" " Noah Chittenden	130	15.60	27	40.50	56.10
" " Jonas Galusha	68	8.16	33	49.50	57.66
" " Beriah Loomis	59	7.08	33	49.50	56.58
" " Solomon Miller	130	15.60	2	3.	18.60
" " Eliakim Spooner	2	.24	32	48.	48.24
" " Samuel Safford	60	7.20	33	49.50	56.70
" " John White	141	16.92	33	49.50	66.42
" " James Witherell	76	9.12	33	49.50	58.62
" " Nathaniel Niles	72	8.64	33	49.50	58.14
" " Asaph Fletcher	29	3.48	29	43.50	46.98
" " Ebenezer Wheelock	88	10.56	33	49.50	60.06
" " Samuel Shepardson	27	3.24	27	40.50	43.74
" " Elias Keyes	65	7.80	29	43.50	51.30
Samuel Fletcher, Sheriff	21	2.52	33	49.50	52.02
Richard Whitney, Secretary	18	2.16	33	82.50	84.66
Rich <sup>d</sup> Whitney for use of room					5.
To Mark Richards for Council Chamber					25.
					<b>\$995.94</b>

Ordered, That the Sheriff draw the am<sup>t</sup> of the above debenture from the Treasury.

A bill, passed in the house of Representatives, Entitled "An act incorporating certain persons therein mentioned by the name of the Stamford Turnpike Company," was sent up for revision &c. and being read, Resolved, To concur with the house in passing said bill into a law, with the proposals of amendment accompanying the same, and Mr. Safford appointed to inform the house of the reasons for said amendments.

Mr. Shaw, Member of the house of Representatives, acquainted the Council [that] the house had concurred in the amendments proposed by the Governor and Council to the appropriation bill.

On motion of Mr. Witherell, Resolved, The house of Representatives concurring therein, that the unfinished business before both branches of the legislature be laid over to the adjourned Session to be holden at Windsor, on the last Thursday of January next, then to be taken up and acted upon by the legislature as being in the same state in which it shall be left by the legislature at the present adjournment.

The above resolution was returned from the house by Mr. Strong, a member, concurred, who also informed them that the house of Representatives were now ready to meet the Governor and Council in the Representatives' [room] for the purpose of adjourning the legislature.

The Governor and Council immediately repaired to the house of Representatives, and after an appropriate prayer from the Chaplain, the Rev<sup>d</sup> Mr. Sage, the Sheriff, by order of his Excellency the Governor, adjourned the Legislature until the last Thursday of January next, then to meet at Windsor in the County of Windsor.

A True Journal.

Attest

[RICHARD WHITNEY,] Secretary.

## RECORD OF THE GOVERNOR AND COUNCIL

AT THE

ADJOURNED SESSION WITH THE GENERAL ASSEMBLY  
AT WINDSOR, JANUARY 26 1804.

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A Journal of the Proceedings of the Governor and Council of the State of Vermont, at an adjourned Session of the Legislature, begun and holden at Windsor on Thursday, the 26<sup>th</sup> Day of January in the Year of our Lord 1804.

WINDSOR Thursday January 26<sup>th</sup> 1804.

IN COUNCIL at 10 O'clock A. M.

Present, His Excellency Isaac Tichenor Governor, His Honor Paul Brigham Lt Governor, of the Council, The Honorable Jonas Galusha, Eliakim Spooner, James Witherell, Noah Chittenden, Beriah Loomis, John White, Elias Keyes, Ebenezer Wheelock, Nathaniel Niles, & Samuel Sheperdson<sup>1</sup> Esq<sup>r</sup>. William Page Jun<sup>r</sup> Secretary.<sup>2</sup> William Strong Esquire Sheriff of Windsor County.

His Excellency the Governor communicated to the Council a Letter from the President of the United States, covering a proposed amendment to the Constitution, which was read by the Sec<sup>y</sup> as follows:

## EIGHTH CONGRESS OF THE UNITED STATES;

At the First Session Begun and held at the City of Washington, in the Territory of Columbia, on Monday, the seventeenth of October, one Thousand, eight Hundred and Three—

Resolved, by the Senate and House of Representatives of the United States of America, in Congress Assembled, Two Thirds of both Houses concurring, that in lieu of the third paragraph of the first Section of the Second article of the Constitution of the United States, the following be proposed as an amendment to the Constitution of the United States, which, when ratified by three fourths of the Legislaturas of the several States, shall be valid to all intents and purposes, as part of the said Constitution, to wit:

The Electors shall meet in their respective States, and Vote by ballot for President and Vice President, one of whom, at least, shall not be an Inhabitant of the same State with themselves; they shall name in their Ballots, the person voted for as President, and in distinct Ballots the person [voted] for as Vice President; and they shall make distinct lists of all Persons voted for as President, and of all Persons voted for as Vice President, and of the number of Votes for each, which lists they shall Sign and Certify, and transmit sealed to the Seat of Government

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<sup>1</sup> Samuel Shepardson.

<sup>2</sup> Mr. Page was probably appointed Secretary on this day, but there is no record of the appointment.

of the United States, directed to the President of the Senate; The President of the Senate shall, in the presence of the Senate and House of Representatives, open all of the Certificates, and the Votes shall then be counted: The Person having the greatest number of Votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; And if no person have such majority, then from the Persons having the highest numbers not exceeding three on the List of Persons voted for as President, The House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the Votes shall be taken by States, the representation from each State having one Vote; a quorum for this purpose shall consist of a Member or Members from Two Thirds of the States, and a Majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the Death, or other Constitutional disability of the President;—

The Person having the greatest number of Votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the Two Highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a Majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the Office of President, shall be eligible to that of Vice President of the United States.

Attest

JOHN BECKLEY, *Clerk to the House of Representatives of the United States.*

SAM. A. OTIS, *Secretary of the Senate of the United States.*

The above proposed amendment was then forwarded by His Excellency the Governor to the House of Representatives.

A Message was received from the House by Mr. Morris informing the Council that a quorum of the House had met, and were ready to proceed to business.

On Motion, Mr. Witherell was requested to inform the House of Representatives that a quorum of the Council were assembled and ready to proceed to business.

A letter from the Hon<sup>ble</sup> James Elliot Esquire, addressed to the Governor, was read, covering a Memorial to the Governor and Council, specifying the Reasons that governed him in Voting against the proposed amendment to the Constitution of the United States. It was considered by Council, that as the subject matter of the amendment was immediately under the consideration of the Council, it would be improper that the Memorial should be read.

An Engrossed Bill, referred from the last Session of the Legislature, Entitled "An Act appointing a Committee to fix on a permanent Seat for the Legislature," was read, and on Motion, Resolved, That it be recommended to the General Assembly to refer the consideration of this Bill to the next Session of the Legislature, and that Mr. Niles be requested to assign the Reasons to the House.

Adjourned to 2 O'clock P. M.

TWO O'CLOCK P. M.

The Hon<sup>ble</sup> Asaph Fletcher appeared in Council and took his seat.

A Bill, referred from the last Session of the Legislature, Entitled "An Act to compel the Managers of the *Green Mountain Road Lottery* to

draw the same," was read, and Resolved That the Council do nonconcur with the House in passing the same, and that Mr. Witherell do draught the Reasons to be communicated to the House.

A Bill, referred from the last Session of the Legislature, Entitled "An Act assessing a Tax on the County of *Essex*," was read, & on Motion, Resolved, That Council concur in passing the said Bill into a Law.

On Motion of Mr. Witherell, Resolved, That the House of Representatives be requested to furnish the Governor and Council with a Copy of the Amendment to a certain Article of the Constitution of the United States, as proposed by Congress at their present Session, together with a Copy of the official Communications from his Excellency the Governor on that subject.

Ordered, That the Secretary communicate the foregoing resolution to the House.

Adjourned to 9 O'clock Tomorrow Morning.

FRIDAY, January 27<sup>th</sup> 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

A Bill, referred from the last Session of the Legislature, Entitled "An Act laying a Tax on Bridgewater," was read, and on Motion, Resolved, That it be referred to Mess. White and Fletcher.

The Bill, Entitled "An Act appointing a Committee to lay a road from Clarendon to Dorset," referred from the last Session of the Legislature, was read, and on Motion, Resolved, That it be committed to Mess. Galusha and Wheelock with the accompanying Petitions.

The Petition of Zebina Orcutt and others was sent from the House with the following order thereon, viz.

"In General Assembly Jan<sup>y</sup> 26<sup>th</sup> [1804.]

Read and Referred to the Members from Rutland County to join with Council. Att. A. HASWELL Clerk."

Which Petition being read, it was Resolved, That Mr. Witherell join the Committee appointed by the House on the aforesaid Petition.

An officer of the House laid on the Table "A Copy of the Amendment to the Constitution of the United States and of the Communication of His Excellency the Governor to the House on that subject," agreeably with a resolution of Council passed yesterday.

A Bill, referred from the last Session of the Legislature, Entitled "An Act in revival of an Act entitled 'an act granting to Zacheus Peaslee and others the exclusive privilege of erecting a Wharf &c. at *Burlington Bay*,'" was read and Resolved, That it be referred to Mess. Witherell, Galusha and Niles.

On Motion, Resolved, That a Committee be appointed to bring in a Bill ratifying the article of Amendment, proposed by Congress to be added to the Constitution of the United States. Resolved, That Mr. Niles be the Committee.

Adjourned to 2 O'clock P. M.

TWO O'CLOCK P. M.

A Bill, Entitled "An Act enabling the Inhabitants of Burke to ratify their former proceedings," referred from the last Session of the Legislature, was read, and Resolved, That it be Committed to Mr. Loomis.

An Engrossed Bill, referred from the last Session of the Legislature, Entitled "An Act appointing a Committee to lay a County Road from Guildhall to Danville," was read, & Resolved, That it be referred to Mr. Wheelock.

A Petition from Jacob Stanley, praying to be released from the pay-

ment of a certain recognizance, was sent from the House, with the following order minuted thereon, viz.

"Jan<sup>y</sup> 27<sup>th</sup>. Read and Referred to Mess. Butler, Shumway & Olds to join with such Committee as Council may appoint.

Attest A. HASWELL *Clerk*"

Which Petition being read, it was Resolved, That Mr. Shepardson join the Committee appointed by the House on the said Petition.

The Committee appointed to draught the Reasons of the nonconcurrency of the Council on "the Act to compel the Managers of the Green Mountain Road Lottery to draw the same," reported the following reasons, which were read and adopted by Council as their reasons for such nonconcurrency:

Resolved, That the Governor and Council do nonconcur in the Bill Entitled "An Act to compel the Managers of the Green Mountain Road Lottery to draw the same &c." for which nonconcurrency the following reasons are assigned:

1<sup>st</sup> That the said Act is calculated to affect the private property of Individuals, who have not been legally cited to shew cause why it should not be passed.

2<sup>ndly</sup>. Because Council are of opinion, that if said Managers have not performed their duty, they are liable before a Court of Justice.

Ordered, That the Secretary inform the House of the nonconcurrency of Council on the aforesaid Bill, with the reasons of it in writing.

A Bill Entitled "An Act declaring the assent of this State to a certain Article of Amendment to the Constitution of the United States," was reported by Mr. Niles, read, and on the question shall it pass, the Yeas and Nays, being required, were as follows: Yeas, Mess. Brigham, Galusha, White, Spooner, Keyes, Witherell, Wheelock, Chittenden, Niles, Loomis, Fletcher, & Shepardson—12. Nays, none. So it passed, unanimously, in the affirmative. Ordered, That the Secretary inform the House of the passing of said Bill in Council and request their concurrence.

A Bill, referred from the last Session of the Legislature, Entitled "An Act altering the Line between Morgan and Wenlock," was read, and on consideration, it was Resolved, That the Council do concur in the same.

The Committee on the Bill Entitled "An Act appointing a Committee to lay a Road from Clarendon to Dorset," reported that it ought to pass with the following amendment, viz. After the word "of" in the second line of the Second Page, the words "*May next and*" be erased, and the following Amendment be added, "September next, and the Selectmen of the several Towns aforesaid are hereby impowered to set over any old road, or to proceed in the same way in the assessment of damages as if the said road had been laid by the Selectmen of such Towns respectively and such road," which Report being read and accepted, it was on Motion, Resolved, That the Council concur in passing said Bill as amended by the Committee.

Adjourned to 9 O'clock Tomorrow morning.

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SATURDAY January 28<sup>th</sup>. 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

A Bill Entitled "An Act in addition to an act Entitled 'an Act to lay out a Stage or Post Road from the Court House in Vergennes to the Court House in Burlington,' passed Feb<sup>y</sup> 18<sup>th</sup> 1797; and also in addition to an Act Entitled 'an Act appointing a Committee to lay a Post or

Stage Road from Onion River to Canada line," referr'd from the last Session of the Legislature, was read, and Resolved, That it be committed to Governor Brigham.

The Committee on the Bill Entitled "An Act enabling the Inhabitants of Burke to ratify their former proceedings," reported That the same ought to be amended by striking out the Title [title] of the Bill and inserting the following in lieu thereof, "An Act to relieve the Inhabitants of Burke in a certain case therein mentioned;" and that after the word "That" in the second line of the first Section, the whole of the Bill should be struck out and the following Amendment be inserted in its room, "The Votes and proceedings of the Inhabitants of the Town of Burke, had or done in their annual Town Meeting held in 1798, be, and they shall be, as good and valid in Law to all intents and purposes, as though such warrant or warning had not been lost as aforesaid;" which report, being read, was accepted, and, on Motion, Resolved, That the Council do concur in passing the said Bill with the proposed amendments, and Ordered, That Mr Loomis assign the reasons to the House which governed the Council in adopting the amendments.

An Engrossed Bill, referred from the last Session of the Legislature, Entitled "An Act Incorporating the Weathersfield Turnpike Company," was read, and Resolved, That it be referred to Gov<sup>r</sup> Brigham and Mess. Fletcher and Galusha.

Sundry Petitions from Vershire and Corinth were sent from the House with the following minuted on each, viz.

"In General Assembly, Jan<sup>y</sup> 28<sup>th</sup>. 1804.

Referred to Mess. Painter, Kitchell, Larabee, Sol<sup>r</sup> Wright and Galusha, to join such Committee as the Governor and Council may appoint.

Att. A. HASWELL Clerk."

On Motion, Resolved, That Mess. Chittenden and Spooner do join the Committee appointed by the House on those Petitions.

The Committee appointed on the Bill Entitled "An Act appointing a Committee to receive proposals for a Work House," reported that it ought to be amended by inserting after the word "appointed," in the eighth line of the first Section, the words "and severally authorized," and erasing the words "a Committee," in the same line, and after the word "State," in the eleventh line of the same Section, by erasing the remainder of the Bill and inserting the following:

Section 2<sup>nd</sup>. And any person or persons making such proposals, shall make the same in writing to either of the aforesaid persons, and such proposals shall specify the place where they will build, the Dimensions of the building, the Materials of which they will build, the manner in which the work shall be executed, the conditions on which they propose to build and the time when the same shall be completed. And it shall be the duty of the persons appointed by this Act, to make report in writing to this Legislature at their next Session, of all such proposals.

"Section 3<sup>rd</sup>. And it shall be the duty of the Secretary of State to cause this act to be published in all the News Papers printed in this State, three weeks successively, as soon as may be, after the rising of this Session of the Legislature;"

Which report was accepted, and Resolved, That the Council concur in passing the last mentioned Bill with the aforesaid amendments, and Ordered, That Mr Galusha assign the Reasons of said Amendments to the House.

The Committee on the Bill Entitled "An Act in addition to and revival of an act, entitled 'An Act assessing Two Cents per acre on the Town of Westford,' passed Oct<sup>r</sup> 26<sup>th</sup>. 1799," reported that the same ought to pass, which report was not accepted, and on Motion, Resolved, That

the Council do nonconcur with the House in passing the said Bill for the following reasons, viz.

1<sup>st</sup>. Those who have paid Their Taxes without taking a Receipt for the same, or who have unfortunately lost such Receipts as they may have taken, would be exposed to an unreasonable loss, and those who have preserved their Receipts would be subjected to unreasonable trouble, by the operation of said Bill should it be passed into a Law.

2<sup>dly</sup>. The proposed provision seems to be needless and useless to any honest purpose, because the Lands having been sold, the Tax must have been already collected; the contrary has not even been suggested.

3<sup>dly</sup>. It is apprehended that the operation of such a Law as is proposed might, by an improper change of property, work some important wrong.

Ordered, That the Secretary communicate the same to the House.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

On Motion of M<sup>r</sup>. Wheelock, leave was given to introduce a Bill Entitled "An Act Establishing the Goal in the County of Essex a Prison for receiving and safe keeping Prisoners committed under the authority of the United States." Resolved, That the consideration of it be referred to Mess. Wheelock and Sheperdson.

The Bill Entitled "an Act allowing the Defendants and Respondents, in prosecutions on Libels, to give the Truth of the words contained, &c." referred from the last Session of the Legislature, was taken under consideration, and it was Resolved, That the Governor and Council do nonconcur with the House in passing the said Bill for the following reasons, viz.

"In Civil prosecutions it has been the settled practice of our Courts to admit the truth of the words contained in such Libels to be given in Evidence: That, therefore, the Law in its present situation is sufficient.

"Again, The spirit of our State Laws, now existing, being so congenial to the same practice in criminal prosecutions, together with [the] nature and principles of our Constitution and Government, it is thought are considerations which will be sufficient to govern our Courts in admitting the same practice in such prosecutions as fully as in civil ones. And,

Again, as there has been no prosecutions of the kind in our State, and under State Laws, and as it is not known that any cause of action now exists, and further, that as little innovations in our Civil or Criminal code of Laws as possible ought always to be observed—

Ordered, That the Secretary communicate the foregoing reasons of the nonconcurrence of Council to the House.

The Petition of Roger Williams, praying for an Act of Insolvency, was sent from the House with the following order thereon, viz.

"Jan<sup>y</sup> 28<sup>th</sup>. Read and Referred to Mess. Leland, Butler and Baker to join with Council. Att. A. HASWELL Clerk."

Which Petition being read, it was Resolved, That M<sup>r</sup>. Niles do join the aforesaid Committee from the House.

On Motion, Gov<sup>r</sup>. Brigham had leave to introduce a Bill Entitled "An Act to prevent Persons from digging up the Bodies of dead People," which Bill being read, it was Resolved, That it be committed to Gov<sup>r</sup>. Brigham and Mess. Witherell and Sheperdson.

Adjourned to 9 O'clock on Monday morning.

MONDAY January 30<sup>th</sup>. 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

A Bill, passed in the House of Representatives, Entitled, "An Act in addition to an Act entitled 'an Act regulating Town Meetings,'" was sent up for Revision, Concurrence or proposals of amendment, and being read, it was on motion Resolved, That it be committed to Mr. Keyes.

The Committee to whom was referred a Bill Entitled "An Act discharging Abel Spencer and James Claghorn from the payment of a certain note therein mentioned," reported that it ought to pass with the following amendment, after the words "An Act," in the first line of the Title of the Bill, to strike out the whole of the Bill and insert the following in lieu thereof, viz. "Granting relief to Abel Spencer and James Claghorn in a certain case therein mentioned. Section 1<sup>st</sup>. It is hereby enacted by the General Assembly of the State of Vermont, That Abel Spencer and James Claghorn are hereby released and discharged from the payment of a certain Note given to the Treasurer of this State for a fine and cost of Suit arising from a prosecution had by this State against Solomon Spafford in the year 1791, except so much of said Note as was given for the payment of Cost. Provided nevertheless, That if the said Abel and James do not pay to the State's Attorney of Rutland County so much of said Note as was given for said Cost, by the first day of May next, they shall take no benefit by this act;" which report was accepted, and Resolved, That the Council concur in passing the said Bill as amended, and Ordered, That Mr. Witherell assign the reasons of the Amendments to the House of Representatives on the aforesaid Bill.

The Committee on the Bill Entitled "An Act establishing the goal of the County of Essex a prison for receiving and safe-keeping prisoners committed under the authority of the United States," reported that it ought to pass, and it was Resolved, That the same do pass, and Ordered, That it be engrossed and sent to the House of Representatives for their revision, concurrence or proposals of amendment.

The Petition of Nathan Callendar was sent up from the House with the following order minuted thereon, viz.

"In General Assembly Jan<sup>y</sup> 30<sup>th</sup>. 1804.

Read and Referred to Mess. W. Perry, McCumber and Holmes to join with Council. Att. A. HASWELL Clerk."

Which was Read, and Resolved, That Mr. Chittenden do join the Committee appointed by the House of Representatives.

Also, The Petition of Franklin, Robinson & Co. & W<sup>m</sup>. Tourney, praying for a Hearing before Commissioners on the Estate of Gideon Brownson [Brownson] deceased, with the following order thereon, viz.

"Jan<sup>y</sup> 30<sup>th</sup>. 1804. Read and Referred to Mess. B. Emmons, Hunt, Butler, Harvey & Hendee, to join such Committee as the Council may appoint. Attest A. HASWELL Clerk."

Resolved, That Gov<sup>r</sup>. Brigham & Mr. Loomis do join the aforesaid Committee from the House.

On Motion of Mr. Witherell, he had leave to introduce a Bill Entitled "An Act to empower the Widow Ann Taylor, late the Widow Ann Miller, Executrix of Eleazer Miller, to sell land in Hubbardton," which Bill was read and considered, and on Motion, Resolved, That the said Bill do pass, and Ordered, That it be engrossed and sent to the House of Representatives for their Revision, concurrence or proposals of Amendment.

On Motion, Mr. Witherell had leave to introduce a Bill Entitled "An Act in addition to an act Entitled 'an act constituting the Supreme Court of Judicature and County Courts, defining their powers and regulating judicial proceedings,'" which was read and after consideration it



was Resolved, That said Bill do pass, and Ordered, That it be engrossed and sent to the House of Representatives for their Revision, concurrence or proposals of amendment.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The Committee on the Bill Entitled "An Act in addition to an Act Entitled 'an Act to lay out a Stage or Post Road from the Court House in Vergennes to the Court House in Burlington,' Passed Feb<sup>y</sup> 18<sup>th</sup> 1797, and also in addition to an Act Entitled 'an Act appointing a Committee to lay a Post or Stage Road from Onion River to Canada Line,'" reported that it ought to pass with the following amendment: by crasing the Third line from the Bottom of the Bill and insert in lieu thereof the following words, viz. "From the Town Treasury of the Town of Burlington, if the Town will vote to pay it, if not they shall be paid by the Persons applying to them to do the service," which report being accepted, it was on Motion Resolved, That the Council concur in passing the said Bill as amended, and Ordered, That Gov<sup>r</sup> Brigham assign the reasons of such amendments to the House of Representatives.

The Petition of John McNeil was sent up from the House of Representatives with the following order minuted on it, viz.

"In Gen<sup>l</sup> Assembly, Jan<sup>y</sup> 30<sup>th</sup>. Read and referred to Mess. John Shumway, Cruttenden, Spooner, Isham & Brigham to join such Committee as Council may appoint. Att. A. HASWELL Clerk."

Which being read, it was Resolved, That Mess. Spooner and Fletcher do join the Committee appointed by the House on the aforesaid Petition.

A Bill passed in the House of Representatives, Entitled "An Act for the relief of Alexander Young," was sent up to Council for their revision &c. which Bill was read, and Resolved, That it be committed to Mess. Witherell, Loomis & Niles.

Also, A Bill Entitled "An Act appointing a new Collector of a Land Tax in Montgomery;" which was read and on Motion Resolved, That it be referred to M<sup>r</sup> Chittenden.

Also, A Bill Entitled "An Act in addition to an Act Entitled 'An Act regulating Town Meetings and the choice and duty of Town Officers:,'" which, after being read and considered, it was Resolved, That the Council concur with the House of Representatives in passing the said Bill.

A Bill, referred from the last Session of the Legislature, Entitled "An Act incorporating certain Persons therein Mentioned by the name of the Franklin County Turnpike Company," was read, and on Motion, Resolved, That it be recommended to the House of Representatives to refer the consideration of this Bill to the next Session of the General Assembly. Ordered, That the Secretary communicate the foregoing resolution to the House of Representatives.

Adjourned to 8 O'clock Tomorrow morning.

TUESDAY, January 31<sup>st</sup> 1804, 8 O'clock A. M.

The Council met pursuant to adjournment.

A Written Message was sent up from the House as follows:

"Jan<sup>y</sup> 30<sup>th</sup>, 1804, 4 O'clock A. M.<sup>1</sup> The question being put, will the House concur with Council in passing the Bill ratifying the Amendment

<sup>1</sup>Either P. M. of the 30th, or A. M. of the 31st. The House went into committee of the whole at 2 P. M. of the 30th; and debated the question largely.

of the Constitution, agreeably to the recommendation of the Congress of the United States: It passed in the Affirmative, *Yeas 93—Nays 64.*

Attest A. HASWELL Clerk."

The Committee to whom was referred the Bill Entitled "An Act for the relief of Alexander Young," reported that the same ought to pass, with the following provisional clause to be added to the Bill as an amendment: "Provided nevertheless, That nothing in this act shall be construed to affect the right of any Person or Persons to said Premises which have accrued since the said conveyance of the said Frazier to the said John Young;" which report was accepted, and on Motion, Resolved, That the Council do concur in passing the said Bill as amended, and Ordered, That Mr Galusha acquaint the House of Representatives with the Reasons that governed Council in adopting the aforesaid amendment.

Mr James Fisk communicated the following message from the House:—

"In General Assembly Jan<sup>y</sup> 31. "An act allowing the Defendants and Respondents in prosecutions on Libels to give the Truth of the Words contained" &c. was read, and Resolved, That the House do not concur with the Council, and that Mr Ja<sup>s</sup> Fisk be requested to wait on Council and inform the reasons of their nonconcurrence.

Att. A. HASWELL, Clerk."

And after verbally assigning the Reasons, he withdrew.

Ordered, That the said Bill lie on the Table for further consideration.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

The Petition of the Selectmen of Wolcott was sent up from the House with the following order thereon, viz.

"Jan<sup>y</sup> 31<sup>st</sup> 1804. Referred to a Committee of five; Members chosen, Mess. Hinman, Olds, Stevens, R. Parker and Potter, to report by Bill or otherwise. Committee to join with Council.

Att. A. HASWELL Clerk."

Which was read, and Resolved, that Mess<sup>rs</sup> Sheperdson and Fletcher do join the Committee appointed by the House on the said Petition.

Also, Seven Petitions from a number of the Inhabitants of the Towns of Hardwick, St Johnsbury, Hyde-Park, Johnson, Walden, Waterford, Danville, and from sundry Inhabitants of Franklin County, with the following minuted on each:

"Jan<sup>y</sup> 31<sup>st</sup>. Read and Referred to the Committee on the Wolcott Petition.

Attest A. HASWELL Clerk."

Resolved, That they be referred to the Committee on the Wolcott Petition.

A Bill, referred from the Last Session of the Legislature, Entitled "An Act in addition to and amendment of an act for regulating and governing the Militia of this State," was read, and Resolved, That it be recommended to the House of Representatives to refer the consideration of this Bill to the next Session of the Legislature, and that Mr Galusha be requested to wait on the House and assign the Reasons.

On Motion, Mr Keyes had leave to introduce a Bill Entitled "An Act in addition &c. to an act Establishing the Connecticut Turnpike Company;" which was read and on Motion Resolved, That it be committed to Mess. White & Wheelock.

The Bill Entitled "An Act allowing the Defendants and Respondents in prosecution on Libels to give the Truth of the Words Contained &c." returned yesterday from the House nonconcurring, was again taken under consideration, and on Motion, Resolved, That the Council do

rescind from their nonconcurrence on this Bill of the 28<sup>th</sup> Inst and that they do concur in passing the said Bill with the following amendments, after the word "*Libel*," in the fifth line of the first Section, erase to the words "*may plead*," in the ninth line of the same Section, except the words "*the Respondent*," in the eighth line—and Ordered, That Mr. Galusha inform the House of the Reasons of Council in adopting the proposed amendment to the said Bill.

Two Bills, laid over to this Session by recommendation of Council, one Entitled "An Act to incorporate a Bank at Burlington;" the other Entitled "An Act to incorporate a Bank at Windsor;" were sent up from the House with the following order minuted on each:

In General Assembly Jan 31<sup>st</sup> 1804.

Read and Referred to Mess. Olin, B. Emmons, Ja<sup>s</sup> Fisk, Hay & Whitney to join &c. Att. A. HASWELL Clerk."

And on Motion it was Resolved, That Mess. Shepherdson and Keyes do join the Committee appointed by the House.

Adjourned to 9 O'clock Tomorrow morning.

WEDNESDAY, February 1<sup>st</sup> 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

The following resolution was sent up from the House, viz.

"In General Assembly, Jan<sup>y</sup> 31<sup>st</sup>

Resolved, the Governor and Council concurring therein, that both Branches meet in the Representatives' Room, at the opening of the House tomorrow afternoon, for the purpose of making such further appointments of Justices of the Peace in the several Counties in the State as may be necessary.

Att. A. HASWELL Clerk."

Which being read, it was on Motion Resolved, That the Council concur in the foregoing resolution.

A Petition for a Turnpike Road from Newbury to Peacham was sent up from the House with the following minuted thereon:

"Jan<sup>y</sup> 31. Read and Referred to [a] Committee of five to join with Council, Mess. Hendee, Shafter, Joel Marsh, T. H. Parker and D. Tut-hill.

Attest A. HASWELL Clerk."

On Motion Resolved, That Mess. Chittenden and White do join the aforesaid Committee from the House.

Also, Five other Petitions were at the same time received from the House, one from the Inhabitants of Barnet, for a County Road; one from Wait Rathburn and others; one for a Turnpike Road from Burlington to Montpelier, one for a Turnpike Road from Wells River to Canada line; and one other for a Turnpike Road from Newbury to Danville, with the following order on each, viz.

"Jan<sup>y</sup> 31<sup>st</sup> 1804. Read and Referred to the Committee on the Petition [for a road] from Newbury to Peacham.

Att. A. HASWELL, Clerk."

On Motion, Resolved, That they be referred to the aforesaid Committee.

The following resolution was sent up from the House of Representatives, viz.

"In General Assembly Jan<sup>y</sup> 31<sup>st</sup> 1804.

Resolved, The Governor and Council concurring therein, That His Excellency the Governor be, and he hereby is requested to transmit to the President of the United States, under the seal of this State, a copy of the Act Entitled "An Act declaring the consent of this State to a certain Article of Amendment to the Constitution of the United States,"

passed the present Session of the Legislature, to be communicated to the Senate and House of Representatives of the Congress of the United States.

Attest A. HASWELL Clerk."

Which being [read,] it was, on Motion, Resolved, That the Council concur in the foregoing resolution.

The Petition of Mary Whitney was sent from the House with the following minuted thereon, viz.

"In General Assembly Jan<sup>y</sup> 31<sup>st</sup>."

Read and Referred to Mess. Finney, Bigelow & Leland to join such Committee as Council may appoint.

Att. A. HASWELL Clerk."

On Motion, Resolved, That M<sup>r</sup>. Galusha do join the Committee appointed by the House on the said Petition.

The Committee on the Bill Entitled "An Act reviving 'an Act granting to Zacheus Peaslee and others the Exclusive privilege of erecting a Wharf &c. at Burlington Bay,'" reported that the Bill ought to pass with the following amendments: after the figures "1803" in the third line of the Preamble, erase the remainder of the Preamble and insert as follows, "without said meeting being holden, whereby said Proprietors have lost all the benefit of said Act;" and add the Two following Sections:

"Section 2<sup>nd</sup>. And it is hereby further enacted, That the Exclusive right of keeping said Wharf and Store in the same manner as is contemplated in and by said Act, is granted and extended to the said Zacheus Peaslee, Samuel Hicock, Thadeus Tuttle, Moses Catlin, Ebenezer T. Englesby and their associates, for the Term of five Years from and after the Expiration of the said Twenty five Years, mentioned in said Act, under the same provisions, regulations and restrictions as is provided and directed in and by said Act for the said Twenty five Years.

"Section 3<sup>rd</sup>. And it is hereby further enacted, That the said Corporation hold their first Meeting at the Court-House in said Burlington on the first Monday of March next, and they are hereby fully authorized to transact all and singular the business which they were impowered to in and by said Act at their proposed first Meeting on the first Monday of January 1803"—which report was accepted and it was Resolved, That the Council do concur with the House in passing the aforesaid Bill with the proposed Amendments, and Ordered, That M<sup>r</sup>. Galusha acquaint the House with the Reasons of such Amendments.

Adjourned to 2 O'clock P. M.

2 O'CLOCK P. M.

M<sup>r</sup>. S. Shaw delivered the following Message from the House:

"In General Assembly Jan<sup>y</sup> 28.

An Act to compel the Managers of the Green Mountain Road Lottery to draw the same," was read, with the reasons of Council for nonconcurrency, which not being concurred by the House, the Bill was ordered to lie on the Table. Jan<sup>y</sup> 31<sup>st</sup> Read and Referred to the House at the opening of the House in the afternoon. Feb<sup>y</sup> 1<sup>st</sup> Read a second time, passed and ordered that it be sent to the Governor and Council by a member for revision, concurrence or proposals of amendment. Member chosen M<sup>r</sup>. S. Shaw.

Att. A. HASWELL Clerk"

And after verbally assigning the reasons of such nonconcurrency he withdrew—And on Motion, it was Resolved, That the Council do rescind from their nonconcurrency on the aforesaid Bill of the 26 Jan<sup>y</sup> and that it be referred to M<sup>r</sup>. Witherell.

The following Resolution was sent up from the House, viz.

"Resolved, The Governor and Council concurring herein, That the Governor and Council meet the House of Representatives in the Representatives' Room on Monday next at 2 O'clock P. M. for the purpose

of adjourning the Two Houses of the Legislature without day," with this minuted thereon: Febr 1<sup>st</sup> 1804, "Read, the preamble dismissed,<sup>1</sup> and the resolution passed into a resolution of the House.

Att. A. HASWELL Clerk."

Which was read, and Resolved, That the Council do concur in the aforesaid resolution with a proposed amendment—Insert *Friday* in lieu of "*Monday*" in the Fourth line of the resolution. Ordered, That M<sup>r</sup> Witherell assign the reasons to the House for such amendment.

A bill, passed in the house of Representatives, Entitled "An Act authorizing the Governor of this State to Issue a new Charter to Montpelier," was sent up to the Council for revision, concurrence, or proposals of amendment, and after being read and under consideration, it was Resolved, That the Council do concur in passing the aforesaid Bill.

A Letter from His Excellency the Governor was read as follows:

"WINDSOR Febr 1<sup>st</sup> 1804.

"*Gentlemen of the Council*,—From the Extensive limits assigned to the Second Brigade of the Third Division of our Militia, and the number of Regiments it contains, and for the purpose of order and convenience—I conceive it my duty, in pursuance of the powers vested in me, provided it shall meet with advice of Council, to order, That the Tract or Territory now comprehending the Second Brigade in the Third Division of our Militia shall be divided into Two Brigades in the following manner, viz.

The Said Second Brigade shall be formed from all the Militia of the Towns of Alburgh, North Hero, and the Isle of Motte in the County of Franklin, and of all the Towns in the County of Chittenden, excepting the Towns of Milton, Westford and Underhill—And That a Third Brigade in said Division shall be formed from all the Militia of the Towns of Milton, Westford and Underhill in the County of Chittenden, and of all the Militia included in the County of Franklin Excepting the Towns of Alburgh, North Hero and the Isle of Motte, and shall be known and distinguished as a Third Brigade in the Third Division of our Militia.

(Signed) ISAAC TICHENOR."

Which Letter and communication, after being duly considered, It was on Motion, Resolved, That it is the advice of Council That his Excellency make the arrangements in the Militia agreeably to the manner prescribed in the foregoing Letter.

The Committee on the Bill Entitled "An Act appointing a new Collector of a Land Tax in Montgomery," reported that the same ought to pass, which report was accepted, and Resolved, That the Council concur in passing the aforesaid Bill.

The Governor and Council, agreeably with a resolution of both Houses, joined the House of Representatives in their Room, and after transacting the Business of their meeting,<sup>2</sup> the Committee was dissolved, and the Governor and Council returned to their Chamber and resumed the consideration of Business.

A Bill, passed in the House of Representatives, Entitled "An Act to revive 'an Act laying a tax on Williston,'" was sent up for Revision &c. and after consideration it was Resolved, That the Council do concur in passing the said Bill.

<sup>1</sup>The preamble declared that the previous regular session had been uncommonly long, the important business of the adjourned session acted on, and that "economy and public opinion" called loudly for a short session.

<sup>2</sup>The appointment of sundry justices of the peace.

The Committee on the Bill Entitled "An Act appointing a Committee to lay a County Road from Guildhall to Danville," reported that it ought to pass, and it was Resolved, That the Council concur in passing the same into a Law.

A Message was received from the House by Mr. Hay, viz.

"In General Assembly February 1<sup>st</sup> 1804.

The Amendment proposed by the Council to the resolution of adjournment was read and resolved, that the House do not concur in the Amendment proposed, and Mr. Hay requested to return the same and assign the Reasons.

Attest A. HASWELL, Clerk."

And after he had communicated to Council the Reasons of the House he withdrew.

The Petition of Humphrey Eldridge, praying for Pardon and Remission of Punishment, was read, and Resolved, That the said Petition be referred to Mess. Galusha and Shepherdson to report by Bill or otherwise.

Adjourned to 9 O'clock Tomorrow Morning.

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THURSDAY, February 2<sup>nd</sup>. 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Committee on the Bill Entitled "An act Incorporating the Weathersfield Turnpike Company," reported the following amendments: After the word "*enjoy*," in the thirteenth line of the first Section, insert the following words, "For the Term of Thirty five Years ;" after the word "*Corporation*," in the fourth line of the Third Page, insert the words "under oath;" Erase the whole of the provisionary clause in the Second Section; After the word "*Cents*," in the Thirteenth Line from the Top of the fifth Page, insert the following words, "For every Sleigh Drawn by one Horse Ten Cents, and for each additional Horse Two and an half Cents, for every sled drawn by Two Oxen Twelve and an half Cents, and for each additional Beast Three Cents ;" After the word "*Concerns*," in the Eleventh line of the Sixth Page and Third Section, erase to the second provisionary Clause in the same Section ; after the word "*That*," in the first Line of the Second Provisionary clause on the Seventh Page, insert the words, "after said Gate shall have been erected ;" after the word "*direct*," in the second line and eighth Page, erase to the end of the Section and Insert, "Said Gate to be removed to such other place on said Turnpike Road as the said Court shall designate, in and by such order, and if said Corporation shall presume to keep any Gate except at such place as the Court shall order as aforesaid, after Twenty days from the Time said Corporation shall be notified of such order, this Grant shall be forfeited ;" In the Nineteenth Line of the Seventh Section erase the words "*Five Dollars*" and Insert "five fold Tollage" in lieu thereof; Erase the word "*December*" in the Fifth Line of the Tenth Section and Insert the word "March ;" Erase the whole of the Twelfth Section to the Provisionary Clause and Insert the following, "Section 12<sup>th</sup>. And it is hereby further enacted, that at the end of Thirty five Years from and after the passing this act, the said Corporation shall be dissolved, and the said Turnpike Road shall become the Property of the State, and be at their Disposal ;" And erase the thirteenth Section—which report was accepted, & Resolved, That the Council do concur with the House in passing the aforesaid Bill, with the proposed amendments ; and Ordered, That Gov. Brigham inform the House of the Reasons which governed Council in adopting the proposed amendments.

The Committee on the Bill Entitled "An Act laying a Tax on Bridge-water," reported that, having examined into the situation of said Town, it was their opinion it ought to pass, which being considered by Council, it was on Motion Resolved, That the Council do concur with the House in passing the said Bill into a Law.

The Committee appointed on Humphrey Eldridge's Petition, praying for Pardon and remission of Punishment, reported that the following be adopted by Council as their Resolution on the subject of the said Petition, which after consideration was adopted by Council and Ordered, That the Secretary enter it on the Journals.

"IN COUNCIL February 24. 1804.

Present, His Excellency Isaac Tichenor Governor, His Honor Paul Brigham Lt Governor, Councillors The Hon<sup>l</sup> Jonas Galusha, John White, Eliakim Spooner, Elias Keyes, James Witherell, Ebenezer Wheelock, Noah Chittenden, Nathaniel Niles, Beriah Loomis, Samuel Sheperdson & Asaph Fletcher Esquires.

The Council took under Consideration the Petition of Humphrey Eldridge of Pownal, who states, That at a County Court holden at Bennington, within and for said County, on the Third Monday of December 1803, he was convicted on an information filed against him by the State's Attorney of Bennington County for aiding and assisting one William Boys, then confined in the Goal of said County at Bennington, in breaking said Goal, whereby the said William made his escape: and by the Judgment of said Court on such conviction was sentenced to Imprisonment six Callender Months in the Goal of said County, and to pay a fine of Twenty five Dollars and Cost of prosecution taxed at Twenty four Dollars and Twenty four Cents and stand committed until Judgment shall be complied with; and that he is now imprisoned in the Goal at Bennington, under the sentence of said Court. That from his inability to discharge the fine and cost imposed upon him, and for other reasons stated in his Petition, He humbly prays the Governor and Council to grant him a Pardon of his Sentence of Imprisonment, and to remit to him the Fine and cost inflicted as aforesaid—Whereupon, after a full hearing, The Council do order and adjudge, That the said Humphrey Eldridge be and hereby is pardoned and released from the sentence of said Court, so far as respects the remainder of the Imprisonment, for Six Callender Months, not yet by him suffered and complied with—And the Sheriff of our County of Bennington, and all others, will take notice hereof and Govern themselves accordingly."

On Motion, Resolved, That the Council do rescind from their proposed Amendment on the 1<sup>st</sup> of Febr<sup>y</sup> on the Resolution of the House of the same day proposing that the Council should meet the House in the Representatives' Room on Monday next, for the purpose of adjourning the Two Houses of the Legislature without Day, and that they do concur therein.

A Bill, passed in the House of Representatives, Entitled "An Act in addition to and in Explanation of an Act Entitled 'an Act constituting the Supreme Court, &c.'" was sent up to Council for their revision &c. which was read, and on Motion, Resolved, That it be referred to Mess. Loomis and Galusha.

Also, A Bill, Entitled "An Act to Incorporate a Third Medical Society in the State of Vermont," which was read, and Resolved, That it be committed to M<sup>r</sup> Witherell.

Adjourned to 2 O'clock P. M.

2 OCLOCK P. M.

The Petition of John McNeil was again sent up from the House of Representatives with this order minuted thereon:

"Feb'y 2<sup>nd</sup> 1804. The Committee reported hereon against the prayer thereof, was read and recomitted to former Committee to join &c.

Att. A. HASWELL Clerk."

On Motion, Resolved, That the Council do join in the above reference.

Two Bills passed in the House of Representatives, one Entitled "An Act remitting a Sum of money to the Town of Timmouth," the other "An Act remitting a sum of Money to the Town of Benson," were sent up to Council for revision, Concurrence or proposals of Amendment, which was read, and on Motion Resolved, That the Council concur in passing the aforesaid Bills.

The Committee on the Bill Entitled "An Act Establishing a Third Medical Society in the State of Vermont &c." reported that the Title be altered so as to read "An Act to incorporate a Third Medical Society in the State of Vermont;" and that the words "*and parts adjacent*," in the fourth and fifth lines of the first Section be erased, and the following Section be added—"Section 5<sup>th</sup>. And it is hereby further enacted, That the said Third Medical Society shall have a common seal, and have a right to hold and possess, by purchase or otherwise, property to the Amount of Two Thousand Dollars, and their first Meeting shall be holden at the Court House in St Albans in the County of Franklin, on the Second Monday of May next,"—which report was accepted, and it was Resolved, That the said bill be concurred in, with the Amendments proposed by the Committee as above, and Ordered, That M<sup>r</sup>. Witherell inform the House of the Reasons of the Amendments.

A Bill, passed in the House of Representatives, Entitled "An Act remitting a sum of Money to the Town of Weathersfield," was sent up for Revision &c. and being read and considered, it was Resolved, That the Council concur in passing the said Bill.

The Committee to whom was referred the Bill Entitled "An Act against disturbing the remains of the Dead," reported that it ought to pass, and it was Resolved, That the said Bill do pass, and Ordered, That it be engrossed and sent to the House of Representatives for their Revision, Concurrence or proposals of Amendment.

The following resolution was read by His Excellency the Governor:

"IN COUNCIL Feb'y 2<sup>d</sup> 1804.

Whereas the Governor, by and with the advice of Council, has ordered that a Third Brigade be formed from the second Brigade of the Militia of the Third Division comprehending The Towns of Milton, Westford and Underhill in the County of Chittenden, and the County of Franklin excepting the Towns of Alburgh, North Hero and the Isle of Motte, to be known and distinguished by the [name of the] Third Brigade in the Third Division—Resolved, The House of Representatives concurring therein, that the Two Houses meet in joint Committee tomorrow morning at Ten o'clock in the House of Representatives for the purpose of Electing a Brigadier General of the said Third Brigade—and after consideration, Resolved, That it be a resolution of the Council, and Ordered, That the Secretary communicate the same to the House.

A Bill, passed in the House of Representatives, Entitled "An Act in addition to 'an Act laying a Tax of four Cents per acre on the Town of Jamaica,'" was sent up to Council for revision &c. which was read, and on Motion, Resolved, That it be referred to M<sup>r</sup>. Sheperdson.

Adjourned to 9 O'clock Tomorrow morning.

FRIDAY February 3<sup>rd</sup> 1804, 9 O'clock A. M.

The Council Met pursuant to adjournment.

The Committee on the Bill Entitled "An Act to compel the Managers of the Green Mountain Road Lottery to draw the same," reported the



following Amendment—After the word "*Directed*," in the Third line of the Act, erase the remainder of the act and insert the following in lieu thereof: "To proceed publickly to compleat the Drawing of said Lottery in good and legal form, agreeably to the scheme by them heretofore published, by the first day of May next; and that they give notice of the time when and the place where they will attend to compleat the Drawing of said Lottery in good and legal form, agreeably to the scheme by them heretofore published, by the first day of May next; and that they give notice of the time when and the place where they will attend to compleat the Drawing of said Lottery by publishing the same in the Vermont Gazette at least two weeks before the time appointed for such Drawing, and it shall be the duty of the said Managers to publish a true list of all the prizes already Drawn, and of all those that shall hereafter be drawn in said Lottery, and the Numbers to which they are respectively drawn, in the aforesaid Gazette, by the first Day of June next. And if the said Managers shall neglect to publish and draw the said Lottery in manner as is hereinbefore directed, they shall forfeit all the privileges contained in the act granting said Lottery, and be further liable to pay to the purchasers of any Ticket in said Lottery the full price of said Ticket, with Interest from the Time of purchase.

"Section 2<sup>nd</sup>. And it is hereby fuyther enacted, That if any Person or Persons are indebted to the said Managers for any Ticket or Tickets by Note or otherwise, and the same remain unpaid for the Term of Thirty days from and after the publication of the prizes drawn in said Lottery as aforesaid, such Debtors shall be liable in an action brought to recover payment for such Tickets sold as aforesaid, to pay Cost as is by Law directed in other civil actions."

On the acceptance of which report the Yeas and Nays, being required by Mr. Niles, were as follows : Yeas 8— Gov. Brigham, Mess. Galusha, White, Spooner, Witherell, Wheelock, Chittenden & Loomis. Nays 3— Mess. Niles. Sheperdson and Fletcher. So the report was accepted—and Those who voted in the Negative entered the following Protest against adopting the said Report, viz.

We, the undersigned Members of Council, find ourselves compelled to enter on the journals of the Council our solemn dissent from the vote of Council adopting the foregoing paragraph as an amendment to the Bill now under consideration, for the following reasons—

1<sup>st</sup>. Because this Amendment, should it be passed into a Law, would virtually reward the managers for having contravened one palpable object of the Legislature, implied in the Law under which, alone, they, the said Directors, could execute and vend Tickets; namely, that their Tickets should not be sold on credit.

2<sup>ndly</sup>. Because, should it pass into a Law, this amendment may operate in violation of Contracts, since a legal exemption from Costs may have been one part of the consideration on which such contracts were made.

These reasons seem to be clearly explained and fully substantiated by the act to which reference is had in the Bill now amended, which enacts, "that no Defendant shall be liable to pay any cost in any action brought to recover pay for said Tickets, unless he appeals from the Judgment that may be rendered against him." Here the purchasers are assured, by a most solemn act of Government, that they shall *not be exposed* to pay any cost, and yet, should this bill pass into a Law, it directly *exposes* them to such Cost.

(Signed)

NATH<sup>L</sup> NILES,  
ASAPH FLETCHER,  
SAMUEL SHEPERDSON.

On Motion Resolved, That the Council concur in passing the aforesaid Bill with the Amendments proposed, and Ordered, That Mr Galusha acquaint the House with the Reasons which governed Council in adopting those amendments.

On the passage of the last mentioned Bill into a law, Mess. Niles & Fletcher entered on the journals the following dissent, viz.

We, the undersigned members of Council, find ourselves Compelled to enter our solemn dissent from the Vote of the Council enacting the foregoing Bill into a law of this State, for the following reasons, in addition to those for which we dissented from the Vote adopting the Amendment thereto—1<sup>st</sup> Because the Bill imposes new and additional duties on the Managers, after they have taken on themselves the Management of the Lottery, under the provisions, duties, restrictions and immunities by law solemnly established. 2<sup>dly</sup> Because, if any wrong has taken place in the management of the Lottery, which this Bill respects, the *judicial* Department is, and *alone* is, competent to afford a constitutional redress.

(Signed)

NATH<sup>L</sup> NILES,

ASAPH FLETCHER.

Tee Committee on the Bill Entitled "An act in addition to 'an Act laying a Tax of four Cents p<sup>r</sup> acre on the Town of Jamaica,'" reported that it ought to pass, and it was Resolved, That the Council do concur in passing the said Bill into a Law.

A Bill Entitled "an Act giving to John McNeil and Charles McNeil equal privileges in keeping ferries across Lake Champlain &c." was sent from the House with the following order thereon :

"In General Assembly Feby 2<sup>d</sup> 1804.

Read and Referred to the Committee on the Petition of John McNeil to join.

Att. A. HASWELL Clerk."

On Motion Resolved, That the Council concur in the aforesaid Reference.

A Bill, passed in the House of Representatives, Entitled "An Act restoring Joseph Ackley to his law," was sent up to Council for their revision, concurrence or proposals of amendment—which after being read, it was Resolved, That it be referred to Mess. Keyes, Loomis and Galusha.

The Committee on the Bill Entitled "An Act in addition to an Act Entitled 'an Act in addition to an Act Incorporating the Connecticut River Turnpike Company,'" reported that as the substance of the act has not been published according to Law, that it be dismissed, and on Motion it was Resolved, That the aforesaid Bill be dismissed.

A Message was sent up from the House informing the Council that they had concurred with Council in the Resolution to meet in joint Committee to make Choice of a Brigadier General of the Third Brigade and Third Division of the Militia. The Council proceeded to the Representatives' Room, and after transacting the Business of the joint Meeting returned to their Chamber and adjourned to 2 O'clock P. M.<sup>1</sup>

2 O'CLOCK P. M.

A bill, passed in the House of Representatives, Entitled "An Act to enable the Proprietors and Landowners in the town of Essex to divide their lands into severalty," was sent up to the Council for their Revision &c. which after being read, it was resolved, That it be referred to Mess. White and Niles.

Also, A Bill Entitled "An Act appointing a new Member of a Committee of a Land Tax on M<sup>r</sup> Holley," which was read and Resolved, That it be referred to Mr. Spooner.

Also, A Bill Entitled "An Act in addition to an Act Entitled, 'An act

<sup>1</sup> Levi House was elected Brigadier General.

regulating Town meetings &c." which was likewise Read and on Motion Resolved, That it be referred to Mess. Sheperdson and Fletcher.

On Motion, Mr. Wheelock had leave to introduce a Bill Entitled "An Act in addition to an act Entitled 'An act to prevent unnecessary Lawsuits, and to regulate the Taxing of Cost in certain Cases therein mentioned,' Passed Nov<sup>r</sup> 8<sup>th</sup> 1798," which was read and on motion Resolved, That it be committed to Mess. Witherell & Chittenden.

A Bill, passed in the House of Representatives, Entitled "An Act directing the Treasurer to pay the Debenture of the Legislature of this State at their present Session," was sent up for revision &c. — after being read, it was on Motion Amended, by striking out the Interlineation between the fifth and sixth lines from the Bottom, viz. "bear an Interest of 6 p<sup>r</sup>. Ct<sup>r</sup>. p<sup>r</sup>. annum, and," passed to a second reading as amended, and Resolved, That the Council do concur in passing the Bill as amended, and Ordered, That Mr. White assign the reasons of such amendment to the House.<sup>1</sup>

A Bill, passed in the House of Representatives, Entitled "An Act altering the name of Bromley to that of Peru," was sent up to Council for revision &c. and being read, it was Resolved, That the Council do concur with the House in passing the aforesaid Bill.

The Committee appointed on the Bill Entitled "An Act in addition to an act Entitled 'An Act to prevent unnecessary Lawsuits &c.'" reported that it ought not to pass, and it was Resolved, That the said Bill be dismissed.

The Bill Entitled "An Act directing the Treasurer to pay the Debenture of the Legislature of this State at their present Session," was again sent up from the House by Mr. A. Marsh with the following resolution thereon:

"Feb<sup>r</sup> 3<sup>d</sup>. Read, and on Motion, Resolved, That the House do not concur with the Governor and Council, and that Mr. Marsh be requested to inform them of the Reasons of the House for their nonconcurrency.

Attest A. HASWELL Clerk."

And after verbally assigning the Reasons, he withdrew, and on Motion, it was Resolved, That the Council do rescind from their proposed amendment to this Bill, and that they concur in passing the same. Ordered, That the Secretary acquaint the House therewith.

A Bill, passed in the House of Representatives, Entitled "An Act to authorize the Supreme Court to empower Guardians to sell the Real Estate of their wards," was sent up to Council for their Revision, Concurrence or proposals of Amendment, which was read, and on Motion, Resolved, That it be referred to Mess. Witherell and Galusha.

The Committee on the Bill Entitled "An Act appointing a new Member of a Committee of a Land Tax on Mr. Holly," reported that it ought to pass, and on Motion it was Resolved, That the Council concur in passing the said Bill.

Adjourned to 9 O'clock Tomorrow morning.

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SATURDAY February 4<sup>th</sup> 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Committee on the Bill Entitled "an act in addition to and in explanation of an act entitled 'An Act constituting the Supreme Courts

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<sup>1</sup>The bill provided for paying the debentures, amounting to \$4958.70, in certificates of the State Treasurer, which were made receivable for taxes.—See *Laws of Vermont*, Feb. session 1804, pp. 37 and 95.

&c.’” reported the following Amendments—To Erase after the word “*within*,” in the Fifth line of the Second Page and Second Section, the remainder of the Section, and insert in lieu thereof the following words, “Thirty days from the rising of said Court take out his Execution on said judgment and deliver the same to a proper officer, nor unless a ‘non est inventus’ shall be regularly made thereon, within sixty Days from the rising of the Court as aforesaid;” and to strike out the whole of the fourth and fifth Sections; which report was accepted, and, on Motion, Resolved, That the Council do concur in passing the said [bill] with the proposed amendments, and Ordered, that M<sup>r</sup>. Galusha acquaint the House with the Reasons thereof.

The Committee on the Bill Entitled “An Act to enable the Proprietors and Landowners of the Town of Essex to divide their lands into severalty,” reported that the same ought to pass, and on Motion Resolved, That the Council concur in passing the said Bill.

The Bill Entitled “An Act in addition to and revival of an Act Entitled ‘An Act assessing a Tax of Two Cents per acre on the Town of Westford,’ passed Oct<sup>r</sup>. 26<sup>th</sup>. 1799,” which was nonconcurrent by Council the 28 Jan<sup>r</sup>. was yesterday sent up from the House with the following resolution on the same :

“In General Assembly Feb<sup>r</sup> 2<sup>nd</sup>.

The Report of the Committee being read, was accepted, and the Bill passed and ordered to be engrossed &c. and M<sup>r</sup>. Hay requested to assign the reason of the nonconcurrence of the House to the nonconcurrence of Council.

Att. A. HASWELL, Clerk.”

M<sup>r</sup>. Hay verbally assigned the Reasons of such nonconcurrence and withdrew, and, on Motion, it was Resolved, That the Council do rescind from their nonconcurrence on the aforesaid Bill of the 28 Jan<sup>r</sup>. and Ordered, That it lie on the Table.

The Committee on the Bill “restoring Joseph Ackley to his Law,” reported that the same ought to pass, and it was Resolved, That the Council concur with the House in passing the s<sup>d</sup> Bill.

M<sup>r</sup>. Niles laid the following resolution on the table — Whereas the Two Houses appear to differ in opinion respecting the very principles of the Bill Entitled “An Act in addition to and revival of an Act Entitled ‘an Act assessing Two Cents per acre on the Town of Westford’ passed Oct<sup>r</sup>. 26<sup>th</sup>. 1799,” therefore Resolved, That the House of Representatives be requested to appoint a Committee to Confer with a Committee of Council on the premises, that, if possible, the two Houses may be mutually satisfied as to rectitude of the principle in question;” which was read, and on Motion, Resolved, That it be a resolution of Council, and Ordered, That the Secretary communicate the same to the House.

Three Bills, passed in the House of Representatives, were sent up to Council for revision, concurrence or proposals of amendment, one, Entitled “an Act to suspend civil process against the person of Joseph Bates,” which was read, and, on Motion Resolved, That it be referred to Mess. Galusha & Loomis. One other, Entitled “An Act empowering the Judges of the County Court of the County of Caledonia to audit and allow certain accounts,” which after being read was, on Motion, amended by erasing the words “either in or out of session,” Interlined between the Second and Third lines of the Bill, and Resolved, That the Council concur in passing the said Bill with the proposed amendment; and one other, Entitled “An Act laying a Tax on the County of Orange,” which after being read and considered, it was Resolved, That the Council concur with the House in passing said Bill.

Adjourned to 2 O’clock P. M.

2 O'CLOCK P. M.

The Resolution of Council adopted in the forenoon, requesting a Committee of Conference on the Westford Bill, was returned from the House with the following order on it:

"In General Assembly Febr<sup>y</sup> 4<sup>th</sup> 1804.

Read and concurred, and Mess. Painter, Hinman and Sheldon appointed a Committee of Conference. Att. A. HASWELL *Clerk*."

Which was read and Resolved; That Mess. Niles and Witherell do join the Committee appointed by the House.

A Bill, passed in the House of Representatives, Entitled "An act to establish the jurisdictional line between the Towns of Vershire and Corinth," was sent up to Council for their revision &c. and being read, it was Resolved, That the Council do concur in passing the said Bill.

On Motion, Mr. Spooner read the following Resolution, by him introduced: "Resolved, The House of Representatives concurring therein, That the Trustees of the University of Vermont be and they are hereby required to lay before the Legislature of this State, at their Next Session to be holden at Rutland in said State in October next, on or before the eighth day of their Session, a true Statement of the Funds of said University, together with all the appropriations by them made, if any, the quantity of Lands leased, and on what terms, and a copy of the By-Laws, Rules and Regulations by them adopted for the government of said Institution, for the Examination and approbation of said Legislature. Resolved, That the same be a resolution of Council, and Ordered, That the Secretary acquaint the House therewith.

Mr. Fletcher obtained leave of absence for the Remainder of the Session.

A Bill, passed in the House of Representatives, Entitled "An Act to repeal part of an act altering the Time for holding the Supreme Court &c. of Franklin County," was sent to Council for Revision &c. and on Motion, Resolved, That the Council concur in passing the same into a Law.

Gov<sup>r</sup>. Brigham on leave introduced the following Resolution—Resolved, That His Excellency the Governor be requested to Issue his Proclamation appointing the Second Wednesday of April next to be observed as a day of Fasting, Humiliation and Prayer throughout this State—which Resolution was adopted by Council.

The Committee on the Bill Entitled "An Act to suspend civil process against the person of Jacob Bates," reported the following amendment, after the word "*That*," in the second line of the Bill, erase the remainder of the Bill, and Insert in lieu thereof the following, "The Body of Jacob Bates of Tunbridge in the County of Orange be and is hereby freed from arrest on any attachment on mesne process for any Debt, contract, covenant or promise made or entered into before the passing of this Act, or on Execution issued on any judgment rendered on such debt, contract, covenant or promise as aforesaid, for the space of three Years from and after the rising of this Assembly;" which report was accepted and it was Resolved, That the Council do concur in passing the said Bill with the proposed Amendments. and Ordered, That Mr. Loomis acquaint the House of the reasons which governed Council in adopting such amendments.

A Bill, passed in the House of Representatives, Entitled "An Act in amendment of an act and in addition to 'an Act directing the mode of obtaining Licences &c.'" was sent up to Council for revision, concurrence or proposals of Amendment, and being read and considered, it was, on Motion, Resolved, That the Council do concur in passing said Bill into a Law.

Adjourned to 9 O'clock Monday morning.

MONDAY, February 6<sup>th</sup>, 1804, 9 O'clock A. M.

The Council met pursuant to adjournment.

The Resolution, passed in Council Saturday, respecting the Trustees of the University of Vermont, was returned from the House with the following order on the same:

"In General Assembly Feb<sup>y</sup> 4<sup>th</sup> 1804. Read and Concurred.

Att. A. HASWELL Clerk."

The following resolution was sent from the House to Council:

"Resolved, That the Committee appointed for the purpose of distributing the Laws of the last Session to the several Members of this House, be appointed to distribute the Proclamations for a day of fasting and Prayer, to join with Council. Feb<sup>y</sup> 6<sup>th</sup> 1804. Members chosen Mess. Galusha, Bullock, Wood, Spooner, Jas<sup>s</sup> Fisk, Wetherbee, Stanley, Palmer, Kitchell, Potter and Fassett. Extract from the Journals.

Att. A. HASWELL Clerk."

Which Resolution was read, and on Motion, Resolved, That M<sup>r</sup> Wheelock join the above Committee from the House.

A Bill, passed in the House of Representatives, Entitled "An Act organizing certain regiments of Cavalry therein mentioned," was sent up to Council for revision &c. and after being read, it was Resolved, That it be referred to Governor Brigham.

The Committee of Conference from Both Houses on the Bill Entitled "An Act in addition to and revival of an act Entitled 'An Act assessing a Tax of Two Cents per acre on the Town of Westford,' passed October 26<sup>th</sup> 1799," reported that a Committee of Council be appointed to amend the Bill, by appointing a new Collector of the said Tax to be placed in the same situation as the former Collector, which report was accepted, and Resolved, That Mess. Niles and Witherell be the Committee.

A Bill, passed in the House of Representatives, Entitled "An Act relieving Nathaniel Callender from a Bill of Cost therein mentioned," was sent up for Revision &c. and on Motion was amended by adding to the Bill the following as an amendment, "on the said Callender's paying the Cost which has arisen in the suit now pending." Resolved, That the Council do concur in passing the said Bill as amended.

The following Bills, passed in the House of Representatives, were sent up to the Council for revision, Concurrence or proposals of amendment, one Entitled "An Act empowering William C. Harrington Esquire Administrator &c. to sell and convey certain Lands &c.," one Entitled "An Act for the relief of Matthew Stanley of Tunbridge," one Entitled "An Act authorizing the Administrator on the Estate of Samuel Williams Esquire, late of Rutland, deceased, to Deed lands," one Entitled "An Act for the Relief of Deborah Stone," one Entitled "An Act in addition to an act Entitled 'an act laying a Tax on the several towns therein mentioned,'" one Entitled "An Act for the relief of William Bryant," and one other Entitled "An Act making appropriation for the Debenture of the Legislature during the present Session &c." which Bills were severally read, and on Motion it was Resolved, That the Council do concur with the House in passing the aforesaid Bills into Laws of this State.

The Committee on the bill Entitled "An Act to authorize the Supreme Court to empower Guardians to sell the real Estate of their Wards," reported the following Amendments, To erase after the word "sold," in the Thirteenth line of the second Page to the word "to" in the Seventeenth line of the same page—To erase from the beginning of the Second Section to the words "And no Guardian" in the Sixth line of the Third Page, and add the remainder of the second Section to the first Section as a provisional clause, and the Second Section to read

thus, "Section 2<sup>nd</sup>. And it is hereby further enacted, That no order of Sale shall be granted by said Supreme Court, unless such Guardians shall produce to the Court a certificate signed by the Judge of Probate of the District where such Land lies, recommending such sale, and also make it appear to the said Court that the same will be beneficial to such wards"—which report was accepted, and on Motion, Resolved, That the Council [do concur] in passing said Bill as amended, and Ordered, That Mr. Galusha inform the House of the Reasons for such amendments.

The following Message was rec<sup>d</sup> from the House:

"In General Assembly Feb<sup>r</sup> 6<sup>th</sup> 1804.

The Bill Entitled "An Act against disturbing the Remains of the Dead," received from Council was concurred in.

Att. A. HASWELL, Clerk."

The Committee appointed on the Bill Entitled "An Act in addition to an act Entitled 'an Act regulating Town Meetings and the Choice and duty of Town officers,'" reported the following amendments, viz. After the word "State," in the Third line of the first Section, erase the remainder of the Section and insert the following in lieu thereof, "may require of their several Town Clerks, Constables, and Town Treasurers, when chosen, to give Bonds to the Selectmen of their respective Towns, in such sums and with such Sureties as they shall think reasonable, for the faithful performance of their several offices. And if such Town-Clerks, Constables, or Town Treasurers, so chosen as aforesaid, shall refuse to give Bonds as aforesaid when thereunto required, such Towns may proceed to choose such officers as will comply with such requirement." In the Second line of the Second Section, after the first word "the," erase the remainder of the Section and insert the following—"several Towns in this State shall be liable to make good all damages which may accrue to any Person or Persons in consequence of the neglects or omissions of duty by any Town Clerk or Constable by such Town appointed, in all cases where such Town shall neglect taking Bonds as above directed in this act;" and to erase the Third Section—which Report being accepted, it was Resolved, That the Council do concur in passing the said Bill as amended, and Ordered, That Mr. Loomis inform the House of the Reasons which governed the Council in adopting those Amendments.

The Debenture of Council for the present Session was read by the Secretary, and it was Resolved, That the Same is approved by Council, and Ordered, That the Secretary enter it on the Journals:—

	Miles.	Amt. of Mileage.	Days.	Amt. of Atten'ca.	Whole Amt.
His Honor Paul Brigham L <sup>t</sup> Gov <sup>r</sup> .	20	\$2.40	12	\$48.00	\$50.40
Jonas Galusha	82	9.84	12	18.00	27.84
John White	120	14.40	12	18. "	32.40
Eliakim Spooner	30	3.60	12	18. "	21.60
Elias Keyes	35	4.20	12	18. "	22.20
James Witherell	64	7.68	12	18. "	25.68
Ebenezer Wheelock	74	8.88	12	18. "	26.88
Noah Chittenden	98	11.76	12	18. "	29.76
Nathaniel Niles	40	4.80	12	18. "	22.80
Beriah Loomis	28	3.36	12	18. "	21.36
Samuel Sheperdson	60	7.20	12	18. "	25.20
Asaph Fletcher	18	2.16	10	15. "	17.16
W <sup>m</sup> . Page Ju <sup>r</sup> . Secretary	26	3.12	12	30. "	33.12
W <sup>m</sup> . Strong Esq <sup>r</sup> . Sheriff	14	1.68	12	18. "	19.68
Samuel Patrick, Bill for Room &c.					10.00

Adjourned to 2 O'clock P. M.

\$386.06

2 O'CLOCK P. M.

The Committee on the Bill Entitled "An act in addition to an act assessing a Tax of Two Cents per acre on the Town of Westford, Passed October 28<sup>th</sup> 1799," reported the following amendments: Strike out the whole of the Preamble after the word "*Act*," in the Second line of the same, and insert "after having accepted the appointment of Collector as aforesaid, and doing various acts in that capacity, has, as is represented to this Assembly, absconded, without having completed the services and duties to do which he was authorized and empowered by said *Act*, Therefore."—Strike out the whole of the Bill after the word "*That*," in the Third line of the First Section, and insert the following: "Martin Powell be and he is hereby appointed, authorized and impowered to do and perform every such act, in collecting said Tax, and in executing Deeds of Lands already sold, or which may be sold, for the discharge of said Tax, as would, in the present Stage of the Collection of said Tax, have been lawfull for said Seely to do and perform antecedent to the passing of this act; and such acts and Deeds which shall be [done] by the said Powell, in pursuance and completion of the duties by said act imposed on said Seely, and which still remain to be done, shall be as good and valid in Law, as though the same had been done by said Seely. And it is hereby further enacted, That said Powell shall not be, in any way, answerable, for any thing either done or omitted by the said Seely in or respecting the Collection of the Tax aforesaid." Which report was accepted, and Resolved, That the Council do concur in passing said Bill as amended, & Ordered, That Mr. Niles communicate the Reasons of such amendments to the House.

A Bill, passed in the House of Representatives, Entitled "An act laying a Tax of Two Cents per acre on the Town of Derby," was sent up to Council for Revision &c. and being read, it was Resolved, That it be committed to Mess. White and Loomis.

A Bill, passed in the House of Representatives, Entitled "An act constituting a corporation by the name of the Northern Turnpike Company of Vermont," was sent up to Council for Revision &c. and was, on motion, amended, by erasing the name of "Joseph Jones," in the Second Line of the Third Section, and Inserting the name of "David Wing Junr.;" by adding to the Fourth Section as follows: "And no greater certainty shall be required in such presentments, in describing the place out of repair, than is required by the nineteenth Section of "An act Entitled 'An Act reducing into one the several acts for laying out, making, repairing, and clearing Highways;'" by inserting after the word "*Road*," in the fourteenth line of the Fifth Section, "And again return on said Road, to travel on the same;" and by inserting after the word "*Distances*," in the eighth line of the Seventh Section, "with a sufficient supply of water in the same"—and being read as amended, it was Resolved, That the Council concur in passing said Bill as amended, & Ordered, That Mr. Galusha inform the House of the Reasons of Council in adopting those amendments.

A Bill, passed in the House of Representatives, Entitled "An Act establishing a Corporation by the name of the Caledonia Turnpike Company," was sent up to Council for Revision &c. and being read was, on motion, amended by adding to the Sixth Section, "And no greater certainty shall be required in such presentment, in describing the place out of repair, than is required by the Nineteenth Section of an Act Entitled 'an act reducing into one the several acts for laying out, making, repairing and clearing Highways;'" and being read as amended, it was Resolved, That the Council do concur in passing the said Bill as amended.

The Committee on the Bill Entitled "An Act laying a Tax of Two



Cents per acre on the Town of Derby," reported the following amendments—That the Bill pass for "*Three Cents*" instead of "*Two Cents*," that *Luther Newcomb* be the Collector instead of *Elisha Lyman*, that *Elisha Lyman* be of the Committee in the place of *Luther Newcomb*, and that the name of *Ebenezer Gould* be erased and *Japhet Benham* be inserted; which Report was accepted, and on Motion, Resolved, That the Council concur in said Bill as amended, and Ordered, That M<sup>r</sup>. Loomis communicate the reasons of such amendments to the House.

A Bill, passed in the House of Representatives, Entitled "An Act uniting certain parts of the Towns of Pomfret and Hartford into one School District," was sent up to Council for revision &c. and being read, it was Resolved, That the Council concur in passing said Bill into a Law.

A Bill, passed in the House of Representatives, Entitled "An Act enabling the Inhabitants of the Town of Washington to ratify their former proceedings," was sent up to Council for revision &c. and, on Motion, was amended by erasing after the word "*That*" in the Second line of the Bill, the whole of the Bill and Inserting in lieu thereof the following: "The several votes and proceedings of said Meeting be and they are hereby ratified and confirmed in as ample a manner as though the said Thomas Porter Esquire had presided in the same until a Moderator and Clerk had been chosen:" and Resolved, That the Council do concur in said Bill as amended, and Ordered, That M<sup>r</sup>. Wheelock inform the House of the Reasons of such Amendment.

The following resolution was received from the House:

"In General Assembly Feby 6<sup>th</sup> 1804.

Resolved, The Governor and Council concurring herein, That the unfinished Business now pending before the Council and General Assembly be and the same is hereby referred to the next Session of the Legislature. Extract from the Journals.

Att. A. HASWELL Clerk"

Which Resolution was read, and Resolved, That the Council concur in the same, and Ordered, That the Secretary communicate it to the House, and also inform the House that the Council are ready to Meet the House in the Representatives' Room, for the purpose of adjourning the Legislature without day.

M<sup>r</sup>. Potter, from the House, informed the Council the House would now join with Council in the Representatives' Room for the purpose above mentioned.

The Governor and Council accordingly proceeded to the Representatives' Room, and after the Throne of Grace was addressed by M<sup>r</sup>. [Sidney] Willard, the Chaplain, in prayer, the Two Branches of the Legislature were adjourned without day by the Sheriff of Windsor County.

A True Journal.

Attest

WILLIAM PAGE Ju<sup>r</sup>. Sec<sup>y</sup>.

## APPENDIX A.

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### VERMONT IN 1791, AS VIEWED BY A VIRGINIAN.—NO SLAVERY.

IN the summer succeeding the admission of Vermont into the Union, the State was visited by three Virginians, two of whom ranked among the most distinguished men of the nation, to wit, THOMAS JEFFERSON and JAMES MADISON, who came through Lake George, spent a day and a half on Lake Champlain, sailing about twenty-five miles north of Ticonderoga, when a further advance was prevented by a head wind. Returning, they proceeded to Bennington on the 4th of June, spent the Sabbath there, and on the 6th journeyed on their way to the valley of Connecticut river, and thence by Hartford and New Haven to New York city and Philadelphia.<sup>1</sup> But for Jefferson's detailed account of this journey, altogether unlike that described in the letter which follows, it might be presumed that either Jefferson or Madison was the author of the letter. It is to be assumed rather, from the different route described,—which embraced both eastern and western Vermont and a tour across the State near the northern boundary—that the writer was a third Virginian, whose name has not been ascertained.

#### LETTER FROM A GENTLEMAN IN VIRGINIA TO HIS FRIEND IN BENNINGTON.<sup>2</sup>

Sir,—Before I left Virginia, I had conceived but a very indifferent opinion of the northern states, and especially of the state of Vermont. I had formed the idea of a rough barren country, inhabited by a fierce, uncivilized, and very unpolished people. I made my tour up Connecticut river, east of the green mountains, near the northern boundary of your state, and returned on the western side, by the lake through Bennington. I must confess I was surprised and astonished beyond measure, to find a fertile luxuriant soil, cultivated by a virtuous, industrious and civilized set of inhabitants; many of whom lived in taste and elegance, and appeared not unacquainted with the polite arts.

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<sup>1</sup> Randall's *Life of Thomas Jefferson*, Vol. II, pp. 19 and 20; and *Vermont Gazette* of June 6 1791.

<sup>2</sup> From the *Vermont Gazette* of Sept. 19, 1791.

The rapid progress in popularity [population] and improvement, and the many surprising incidents that have taken place during the short period of your existence as a state, will furnish material for some able historian, to give the world an history, that shall be both entertaining and instructive. I conversed with men of genius, whose minds had been improved by a liberal education, and appeared to be well acquainted with the arts of state policy. But there was one thing that fell under my observation, which gave me some uneasiness, and which if not remedied in time, may prove fatal to those rights and liberties which you have purchased at so dear a rate. What I have reference to is the manner of electioneering.

The using of undue influence in matters of this kind, destroys that freedom of election, which ought to be held dear and sacred by a people who mean to secure their independence, and transmit the blessings of it to posterity.

This is an evil under which Great Britain groans to this day, who are compelled to submit to the domination of those elected to office by bribery and corruption, and afterwards taxed to pay the expence. And though it sometimes happens that gentlemen of real worth are brought forward in this way, who honour their appointments, and are a blessing to society of which they are members: yet in how many instances are men promoted, who are altogether unqualified for the higher walks of government into which they are introduced, and steal into office through the mistake of mankind. Had they continued in the more obscure paths of life, they might have proved good citizens as well as useful members of society; but their being placed in a sphere for public action, the business of which they are unacquainted with, proves a real injury to themselves, and entirely frustrates the end of their appointment.

There are some who thrust themselves forward by the mere dint of a brazen front, and those low intriguing arts despised by men of sense and honesty, by which they intimidate some and allure others of the lower class; whereas if such designing men were only stripped of their property, and presented in their true light, [they] would soon sink into their original nothingness, and become objects of ridicule and contempt.

But I shall remark no farther; to conclude with the words of the poet,

In times of general agitation,  
Some rise like scum in fermentation:  
Who push and kick the world up-  
Side down to get themselves a-top:  
And when they've gained their favourite point,  
For want of strength can't move a joint.  
As useless as a leaky cask,  
Or like a furnace out of blast;  
Who shortly must be laid aside,  
Like horse, unfit to draw or ride.\*

The emphasis on the word "furnace" clearly indicated that Matthew Lyon was the object of this censure. He was at that time running both a furnace, at Fairhaven, and the western district for Congress against Israel Smith and Isaac Tichenor.—See A. N. Adams's *History of Fairhaven*, p. 419. Moreover, he was publicly charged as an adept in two arts—"the art of making politics malleable, and the other the art of selling civil offices for proxies."—See *Vermont Gazette* of Oct. 17 1791.

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\* NOTE BY THE EDITOR.—These lines were adapted from Trumbull's *McFingal*, Canto III:

For in this ferment of the stream  
The dregs have work'd up to the brim,  
And by the rule of topsy-turvie,  
The scum stands foaming on the surface, &c.

## NO SLAVES IN VERMONT IN 1791.

The official printed reports of the Census of the United States, from 1790 until 1870, assigned 16 slaves to Vermont in 1790, all in the county of Bennington ; but, in preparing the report of the Census of 1870, a critical examination of each previous Census was made, and one of the results was the discovery of the fact, that the persons charged to Vermont in 1790 as slaves were free blacks, and were so returned by the marshal of the State.<sup>1</sup> This discovery was made by a Vermonter, GEO. D. HARRINGTON, Esq., Chief Clerk in the Census Bureau. It is strange that such an error should have passed uncorrected for eighty years, and the more strange when it is evident that the error was known in Vermont in 1791. The following, from the *Vermont Gazette* of Sept. 26 1791, is to the point :

The return of the marshal's assistant for the county of Bennington states, that there are in the county 2503 white males over sixteen years of age, and 2617 under that age. 5559 white females. 17 black males over and 4 under 16. 15 black females. Total of inhabitants, 12,254. To the honor of humanity NO SLAVES.

The foregoing agrees with the census report in the total number of population, and disagrees only in the classification of the blacks.

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<sup>1</sup> The reports of the census give the population of Vermont as of 1790, but the census of Vermont was not taken until 1791.

## APPENDIX B.

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### AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

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#### AMENDMENTS ADOPTED IN 1791.

The first Congress, Sept. 25 1789, proposed to the States twelve amendments to the Constitution of the United States, ten of which were ratified by the requisite number of States. These are the first ten amendments now attached to the Constitution. Two of the proposed articles failed. Vermont, however, ratified the whole, by an act passed Nov. 3 1791. The two articles rejected by other States were as follows:

Article the first.—After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which, the proportion shall be so regulated by Congress, that there shall not be less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

Article second.—No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.—Hickey's *Constitution*, sixth edition, p. 33.

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#### THE ELEVENTH AMENDMENT, ADOPTED JAN. 8 1798.

From the Vermont *Assembly Journal* of Oct. 25 1793:

The Governor and Council appeared in the house, when his Excellency made the following communications, viz.

A circular letter from his Honor Samuel Adams, Esquire, Lieutenant Governor in and over the Commonwealth of Massachusetts,<sup>1</sup> dated October 9th, 1793—accompanied with

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<sup>1</sup> Acting Governor, Gov. Hancock having died on the day preceding the date of Mr. Adams's letter.

The Speech of his Excellency John Hancock, Esquire, late Governor of the Commonwealth of Massachusetts, to both branches of the Legislature of said Commonwealth, at their sessions begun and held at Boston, Sept. 18th, 1793, agreeably to his Excellency's proclamation—with the answers of the two branches of the Legislature—together with the following resolutions of the Legislature of Massachusetts, viz.

"COMMONWEALTH OF MASSACHUSETTS. IN SENATE, Sept. 23<sup>d</sup>. 1793.

"Whereas a decision has been had in the Supreme Judicial Court of the United States, that a State may be sued in the said Court, by a citizen of another State; which decision appears to have been grounded on the second section of the third article in the constitution of the United States:

"Resolved, That a power claimed, or that may be claimed, of compelling a State to be made *defendant* in any court of the United States, at the suit of an individual, is, in the opinion of this Legislature, unnecessary and inexpedient, and in its exercise, dangerous to the peace, safety, and independence of the several States, and repugnant to the first principles of a federal government.

"Therefore, Resolved, That the Senators from this State, in the Congress of the United States, be, and they are hereby instructed, and the Representatives requested, to adopt the most speedy and effectual measures in their power, to obtain such amendments in the constitution of the United States, as will remove any clause or article of said constitution, which can be construed to imply or justify a decision, that a State is compellable to answer in any suit, by an individual or individuals, in any court of the United States.—And his Excellency is hereby requested to communicate the foregoing resolves to the Supreme Executives of the several States, to be submitted to the consideration of their respective Legislatures.

"Sent down for concurrence. SAMUEL PHILLIPS, *President*.

"In the House of Representatives, Sept. 27th, 1793.

"Read and concurred. EDWARD H. ROBBINS, *Speaker*.

"By the Governor approved, Sept. 27th, 1793. JOHN HANCOCK.

"A true copy, Attest, JOHN AVERY, jun. *Secretary*."

*Samuel Adams to Thomas Chittenden.*

The letter of Samuel Adams has been preserved in the *Ms. Vermont State Papers*, Vol. 24, p. 65, and is as follows:

(CIRCULAR.)

COMMONWEALTH OF MASSACHUSETTS. BOSTON, October 9<sup>th</sup> 1793.

Sir,—The papers which I have the honor to inclose to your Excellency, contain the Speech of the late Governor,<sup>1</sup> & the proceedings of the Legislature of this Commonwealth, upon a principle of National Government, in which each State in the Union is equally interested.

A Mandatory precept of the Supreme Judicial Court of the United States, having been served by the Marshal of the District of Massachusetts, on his Excellency John Hancock Esq<sup>r</sup> late Governor, & James Sullivan Esq<sup>r</sup> the Attorney General of the Commonwealth, directing their appearance in that Court, to answer on the behalf of the Commonwealth, to a complaint filed by William Vassal, it became necessary to

<sup>1</sup> For the speech of Gov. Hancock, see *Ms. Vermont State Papers*, Vol. 38, p. 114.

call the Legislature into Session: The Governor therefore, with the advice of the Council, convened the General Court.

The claim of a Judiciary Authority over a State possessed of *Sovereignty*, was of too much moment to be submitted to, without the most serious deliberation. The Legislature of this Commonwealth has treated the subject with an attention, commensurate to the importance of the power demanded; & as you will please to observe by their proceedings, have resolved, that it is unnecessary & inexpedient; & in its exercise dangerous to the peace, safety & independence of the several States, & repugnant to the first principles of a Federal Government.

The support of the Federal Government is an object of high importance in the mind of every true friend of the Union; but it is easily discerned, that the power claimed, if once established, will extirpate the federal principle, & procure a consolidation of all the Governments.

The resolutions of the Legislature made it the duty of the late Governor to communicate their proceedings on this subject, to the Governors of the several States; but the melancholly event of his death intervening, it becomes my duty, as Lieut. Governor of the Commonwealth, to make the Communication: And I do it with great cheerfulness, because my opinion fully accords with the determination of the Legislature, who have requested it.

As this is a question of so interesting a nature, & in which all the States are equally concerned, there seems to be a propriety in a free communication of their sentiments upon it: And it is hoped that, when the Legislature of the State, over which you have the honor to preside, shall be in Session, & contemplate the importance of the subject, this Commonwealth will find itself greatly supported by the Wisdom of their measures, & their salutary & candid advice.

I have the honor to be, sir, With great Respect & Esteem, Your Excellency's Very hble Serv<sup>t</sup>

SAM<sup>L</sup>. ADAMS.

*His Excellency Thomas Chittenden Esqr.*

In October 1792, Isaac Tichenor was requested by the Legislature to act for the State in the settlement of Ira Allen's accounts as State Treasurer and Surveyor General, Allen having proposed to enter a suit against the State in the U. S. Circuit Court for the District of Vermont. Oct. 20 1793, Tichenor by letter informed the Speaker of the House that, being unable to attend court, he had appointed Darius Chipman to take charge of the suit, "*who attended and prevented the entry of the action.*"<sup>1</sup>

This was five days before Gov. Chittenden communicated the resolutions of Massachusetts; and doubtless in consequence of this order of

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<sup>1</sup> *Ms. Vt. State Papers*, Vol. 24, p. 67. In the same, Vol. 38, p. 123, is Allen's writ declaring against the State for fifteen thousand dollars. The officer levied on the townships of "Carthage and Woodbridge, so called," and described by the bounds of the present towns of Jay [Carthage] and Troy [Woodbridge]. In the original charter of Woodbridge that township is bounded on the west by Alburgh, and that charter covered, in part at least, the New Hampshire grant of Highgate. It is evident, therefore, that, after the original charter of Woodbridge had been abandoned, Allen transferred the *name* of "Woodbridge" to the township now known as Troy.

the court, no action was had by the legislature, and the matter passed over to the next session with other unfinished business. In the meantime, on the 2d of January 1794, a resolution was submitted in the U. S. Senate, proposing for adoption the eleventh amendment to the constitution; and on the 14th of the same month, the Senate adopted the resolution by a vote of 23 to 2. The Senators from Massachusetts and Vermont voted for the resolution, Messrs. Gallatin of Pennsylvania and Rutherford of New Jersey alone voting against it.<sup>1</sup> The resolution was concurred in by the House. At the October session, 1794, the amendment was ratified by Vermont;<sup>2</sup> and Jan. 8 1798, it was declared by the President, in a message to the two Houses of Congress, to have been adopted by the Legislatures of three fourths of the States.

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PROPOSED AMENDMENT IN 1798, ON THE ELIGIBILITY OF CERTAIN  
FEDERAL OFFICERS.

STATE OF VERMONT. IN GENERAL ASSEMBLY, Oct. 12, 1798.

The Speaker then laid before the house the communication from the Governor of the commonwealth of Massachusetts, alluded to in his Excellency's speech,<sup>3</sup> which is in the words following, to wit.

"COMMONWEALTH OF MASSACHUSETTS. BOSTON, July 12<sup>th</sup>, 1798.

"Sir,—The two branches of the Legislature of this Commonwealth, have thought it highly necessary that some constitutional barrier should be opposed, to the introduction of foreign influence into our National Councils; and have requested me to transmit the enclosed resolutions to the supreme executive of the several states in the union, that the same may be submitted to the consideration of their respective Legislatures, in order that the constitution of the United States may be so amended as to effect more fully, the great objects for which it was designed.

"The legislature of this Commonwealth, strongly impressed with the necessity of the measure, have thought it expedient to take this preparatory step, and it is hoped, when the Legislature of the state over which you have the honor to preside, shall be in session, and contemplate the importance of the subject, this commonwealth will find itself greatly supported, by a concurrence in the measure.—To their wisdom it is submitted.

"I must take the liberty of requesting your Excellency, to inform me of the determination of the Legislature of your state upon the subject, as soon as it shall be known.

"I have the honor to be, With the highest respect, Your Excellency's very humble servant,

INCREASE SUMNER.

"His Excellency Governor Tichenor."

"COMMONWEALTH OF MASSACHUSETTS,

"IN HOUSE OF REPRESENTATIVES, June 28<sup>th</sup>, '98.

"Whereas it is highly expedient, that every constitutional barrier should be opposed, to the introduction of foreign influence, into our na-

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<sup>1</sup> Benton's *Abridgement of Debates in Congress*. Vol. I, pp. 445, 446.

<sup>2</sup> Printed *Assembly Journal*, 1794, p. 179.

<sup>3</sup> See *Appendix J*, Governor's speech of 1798.



tional councils, and that the constitution of the United States should be so amended, as to effect and secure in the best manner, the great object for which it was designed:

Resolved, That the Senators and Representatives of this Commonwealth, in the Congress of the United States, be and they hereby are requested to use their best endeavours, that Congress propose to the legislatures of the states, the following amendment to the Constitution of the United States, to wit: That (in addition to the other qualifications prescribed by the said Constitution,) no person shall be eligible as President, or Vice President of the United States, nor shall any person be a Senator or Representative in the Congress of the United States, except a natural born citizen, or unless he shall have been a resident in the United States, at the declaration of independence, and shall have continued either to reside within the same, or to be employed in its service, from that period to the time of his election.

"And whereas the spirit of amity and mutual concession, which produced the federal Constitution, ought always to be cultivated in the proposition and adoption of any amendments to the same:

"Resolved further, That in case the Senators and Representatives of this state in Congress, shall find that the amendment above proposed, is not perfectly conformable to the wishes and sentiments of a Constitutional majority, of both branches of the National Legislature, they are hereby empowered and requested so to modify the same, as to meet the sentiments of such majority. Provided however, and it is the opinion and wish of this Legislature, that any amendment, which may be agreed upon, should exclude at all events, from a seat in either branch of Congress, any person, who shall not have been actually naturalized at the time of making this amendment, and have been admitted a citizen of the United States, fourteen years at least, at the time of such election.

"Resolved, further, That his excellency the Governor, is hereby requested to communicate the foregoing resolves to the supreme executive of the several states, with a request, that the same may be submitted to the consideration of their respective Legislatures. And that the President of the senate, and speaker of this house, be requested forthwith to transmit the same to the senators and representatives of this state in Congress.

"Read and unanimously accepted. Sent up for concurrence.

EDWARD H. ROBBINS, *Speaker*.

"IN SENATE, June 28th, 1798. Read and unanimously concurred.

SAMUEL PHILLIPS, *President*.

"June 29th, 1798. Approved,

INCREASE SUMNER.

"A true copy,

Attest,

JOHN AVERY, *Secretary*."

Oct. 26 1798, the Vermont Assembly adopted the foregoing resolutions — years 152, years 5.<sup>1</sup>

This proposition was made at a time when party spirit was strong throughout the country, and the second resolution was evidently suggested by the fact that Albert Gallatin had taken his seat in the United States Senate in 1793 when he had been a resident of the country less than fourteen years. His right was successfully resisted, he being unseated Feb. 28 1794, shortly after which he was elected to the House. Doubtless the resistance to Mr. Gallatin by the federalists brought the Jeffersonian Republican party into sympathy with Gallatin and hostility

<sup>1</sup> Printed *Assembly Journal* for 1798, pp. 17-20, 103-105.

to the proposition of Massachusetts. The discussions of that time on this topic did result, however, in a more stringent naturalization act, in 1798, than had previously been passed.

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TWELFTH AMENDMENT, SUBMITTED TO THE STATES IN 1803, AND  
RATIFIED IN 1804.

On the 18th of Oct. 1799, Gov. Tichenor laid before the Assembly resolutions of sundry States, and among them certain resolutions of New Hampshire on the mode of electing President and Vice President of the United States, which were referred to a committee. Nov. 5th, the committee reported in favor of the proposition; which report was accepted, and John W. Blake was appointed to report resolutions accordingly. On the same day he reported the following:

STATE OF VERMONT. *Resolved*, That the senators and representatives of this State, in Congress, be, and they are hereby requested to use their best endeavors, that Congress propose to the legislatures of the several states the following amendments to the Constitution of the United States, to wit:

That the Electors of President and Vice President, in giving in their votes, shall respectively distinguish the person whom they desire to be President, from the one they desire to be Vice President, by annexing the words *President*, or *Vice President*, as the case may require, to the proper name voted for. And the person having the greatest number of votes for Vice President, if such number be a majority of the whole number of electors chosen, shall be Vice President. And if there be no choice and two or more persons shall have the highest number of votes, and those equal, the senate shall immediately, by ballot, choose one of them for Vice President. And if no person have a majority, then from the five highest on the list, the senate shall in like manner choose the Vice President. But in choosing the Vice President the votes shall be taken by the states, the Senators from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice.

And in case the Senators and Representatives of this state in Congress shall find that the aforesaid amendment is not conformable to the sentiments of a constitutional majority, of both branches of the national legislature, they are hereby requested so to modify the same as to meet the sentiments of such majority. Provided however, that any amendment which may be agreed upon shall oblige the electors to designate the person they desire to be President from the one they desire to be Vice President.

*Resolved further*, That his Excellency the Governor be, and he hereby is requested to communicate the foregoing resolve to the supreme executive of the several states; and also to transmit the same to the senators and representatives in Congress.

The question being put by yeas and nays, the resolutions were adopted by the House, 94 to 42, and the Governor and Council concurred. The purpose of this proposal was gained by the twelfth article of amendments to the constitution, which see. Senator Bradley of Vermont

advocated the proposition contained in these instructions, was a member of the committee of the Senate on the subject, and proposed and supported an amendment which is now a part of the constitution.—See Benton's *Abridgement of the Debates of Congress*, Vol. III, pp. 6, 7, 23, 24, 37.

In 1803, joint resolutions of instruction to the Vermont delegation in Congress, on this subject, were adopted.—See *ante* pp. 377–379. And Jan. 30 1804, the twelfth amendment was ratified by Vermont—in the Council unanimously, and in the House by a vote of 93 to 64.—See *ante*, pp. 399, 400, 402, 407; and printed *Laws of Vermont, Feb. Session 1804*, p. 4. Z. Thompson stated that in 1799 the Federalists voted in favor of this amendment, and the Jeffersonian Republicans against it; whereas in 1804 the votes of these parties were reversed.—See Thompson's *Vermont*, Part II, p. 92.

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PROPOSALS FOR ELECTIONS OF PRESIDENTIAL ELECTORS, AND REPRESENTATIVES IN CONGRESS, BY DISTRICTS.

Oct. 17 1801, Governor Tichenor communicated to the Legislature an amendment to the constitution proposed by the Legislature of Maryland, requiring the States to form electoral districts for the election, by the people, of Electors of President and Vice President, and Representatives in Congress. Oct. 19, on motion of Nathaniel Niles, the amendment as to Electors was adopted by a vote of 126 to 41; and that as to Representatives by a vote of 105 to 55.—See printed *Assembly Journal* of 1801, pp. 77–80, and 89–93. The Governor and Council concurred by a vote of 7 to 6.—See *ante*, pp. 308, 309. This amendment was not ratified by the requisite number of States.

## APPENDIX C.

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### LETTERS OF PUBLIC OFFICERS OF VERMONT, &c. 1791-1802.<sup>1</sup>

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*Samuel Knight to the General Assembly, on his appointment as Chief Justice.<sup>2</sup>*

WINDSOR October y<sup>e</sup> 19<sup>th</sup>. 1791.

S<sup>r</sup> I find myself wanting in words to express the warm feelings I have of gratitude towards this Honorable General Assembly for the undesarved Honor done me in appointing me Chief Judge of the Supreme Court. I am Convinced from the experiance I have [had] for two years past, that the office of Judge of the Supreme Court is attended with many and great Difficulties, and that the number of persons compleatly qualified to fill that place are very few among which number I cannot claim to be reckoned however considering the unanimity with which the Choice was made I have excepted the appointment notwithstanding the great Impediment it is to my other business and against my Intrest and the Intrest of those who I am under the strongest ties of human nature to provide for. allways esteeming it my greatest happiness to Serve my fellow men in that way which is most agreeable to them—and am Determined however my abillities may be Justly Doubted of that my Intigerity and Intentions to do right shall never be Justly questioned.

I am S<sup>r</sup> your and the Honorable Assemblies most Ob<sup>dt</sup> humble Ser<sup>t</sup>  
SAM<sup>EL</sup> KNIGHT.  
*To Gideon Olin Esq<sup>r</sup> Speaker of the Hon<sup>ble</sup> House of Assembly.*

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*Elijah Paine to the General Assembly, on his appointment as Judge of the Supreme Court.<sup>3</sup>*

Sir My late election as one of the Judges of the Supreme Court, so far as it is a testimony of the Approbation of the Legislature of my con-

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<sup>1</sup>In most of the letters here printed, there is so high and just an appreciation of the dignity and responsibility of faithful public servants ; so much modesty, courtesy, and gratitude in their authors, and evident consciousness of intended integrity and fidelity in every duty, as to make them examples not less worthy of imitation in this day than they were in theirs.

<sup>2</sup>From the original, in Ms. *Vt. State Papers*, Vol. 24, p. 43.

<sup>3</sup>From the original, in Ms. *Vt. State Papers*, Vol. 24, p. 42. ELIJAH PAINE was born in Brooklyn, Conn., Jan. 21, 1757, was son of Seth

duct in that office the year past, deserves my warmest acknowledgments—I have not hesitated in accepting the appointment & have accordingly taken the necessary oath.—I have a greater ambition to serve the State in which I live, while I can do it to their satisfaction, than I have to serve any other Government.—For this reason I have not put myself in the way of appointments from any other quarter.—Neither do I now

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Paine of Brooklyn, and grandson of Seth Paine of Pomfret, Conn. While fitting for college, he abandoned his studies to serve for several months in the army of the revolution. He was graduated at Harvard University in 1781, and after studying the law for three years he came to Vermont in 1784, purchasing first a cultivated farm in Windsor, but in June of that year he commenced the opening of a large farm in Williamstown, which soon became, and through his life remained, his home-  
stead. Notwithstanding his service in public offices from 1786 until his death in 1842, the most of his time, talents, and money were given to his farm, manufactures, various public improvements, and educational and benevolent institutions, in all which he was foremost in central Vermont, and an example for like-minded men everywhere. He was honored with the degree of Doctor of Laws by two universities, Harvard and Vermont, and was member of several societies for the advancement of arts and sciences. He was an exemplary Christian of the orthodox faith, rarely failing to attend public worship at the church in East Williamstown, four miles from his dwelling. He represented Williamstown in the General Assembly in 1787 and until 1791; was one of the Commissioners to settle the controversy with New York in 1789-90; Delegate and Secretary in the Constitutional Convention of 1786; member of the Council of Censors in 1792; Judge of the Supreme Court in 1791, '92, and '93; and United States Senator from 1795 until 1801, to which office he was re-elected, but he declined it for the purpose of accepting from President Washington the office of Judge for the U. S. District of Vermont. This office he held from 1801 until a few weeks before his death, which occurred on the 28th of April, 1842. The editor of this volume remembers him as a tall and well-proportioned gentleman, dressed in the style of President Washington, of a grave countenance and dignified bearing, scornful to none but affable to all. In June 1824, he delivered the address of welcome to Gen. LaFayette, at Montpelier, to which the General responded. These venerable and patriotic men were born in the same year, and both were associates of Washington. Judge Paine married Sarah Porter, daughter of John Porter of Plymouth, N. H., and had four sons and four daughters. All of the sons, who reached middle age, were distinguished for abilities and public usefulness. MARTYN PAINE, A. M., M. D., LL.D., and member of various societies in Europe and America, was born July 8, 1794, and resides in the city of New York. His reputation as the author of various medical books is high. In 1841 he united with five other medical gentlemen in establishing the Medical Department of the University of

accept the appointment with which the Legislature have honored me with a view of Gain. You will however give me leave to observe that the pay of your Judges bears but a small proportion to the pay received by the Judges of any of the other States, when the ability of the States is compared.— Were the State still in debt for the expences of the late war I would with pleasure live on my own property, & serve my Country without reward.— But the State is now in a great measure free from debt.— Altho' I know the Legislature will not waste the property of the Citizens; yet I am confident they would wish to make their servants a reasonable compensation. If upon deliberating on the subject they should think proper to make any additions to the pay of the Court it will be gratefully received.— If on the other hand they should think the present pay adequate to the service I shall with equal pleasure acquiesce, & serve the State to the best of my abilities.

I have the honour to be, Sir, your most Obed<sup>t</sup> humble Ser<sup>t</sup>

ELIJAH PAINE.

Windsor Oct<sup>r</sup> 19, 1791.

*The Hon<sup>ble</sup> Gideon Olin Esquire Speaker of the house of Representatives.*

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*Roger Enos to Gov. Chittenden, resigning his office as Major General.<sup>1</sup>*

To His Excellency, Thomas Chittenden, Governor, Captain-General and Commander in Chief, in and over the State of Vermont.

*May it please your Excellency,*—It has ever afforded me satisfaction to serve my country in every sphere in which I have been called to action: But it has been my highest ambition to merit their approbation in a faithful discharge of the duties of the different military offices with which I have been honored.—And I flatter myself that I have not been undeserving the public esteem in my exertions to promote military discipline, since I have had the appointment of Major-General of the militia of this State. The duties of the office have been attended with a great degree of trouble and expence—honor is the only compensation the public can bestow, for the services of their military officers.—I feel a wish that others as deserving as myself, should equally share the honors and the appendages. You will be pleased, therefore, to accept my resignation as Major-General of the fourth division of the militia of this

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New York, in which he has been a professor ever since. ELIJAH PAINE, born April 10, 1796, resided in New York city, and was author of law books, and from 1850 until his death, Oct. 6, 1853, was a Judge of the Superior Court. CHARLES PAINE, born April 15 1799, was Governor of Vermont from 1841 to 1843, and greatly distinguished by his services in manufactures, railroads, and other public improvements, until his death, July 6, 1853. These were all graduates of Harvard. GEORGE PAINE, a graduate of Dartmouth, and a lawyer, died Oct. 3 1836, in his 29th year. CAROLINE, the only daughter living, is wife of John Paine of New York city.—*Vt. Hist. Magazine*, Vol. II; and Drake's *Dictionary of American Biography*.

<sup>1</sup> From the *Vermont Journal* of Nov. 8 1791. The self-appreciation of Gen. Enos was finer than his modesty, yet it may have been as truly good as is the humor in the word "appendages."

State—and be assured, Sir, that nothing will afford me more satisfaction than to find that the vacancy be filled with a person equally entitled to the esteem of the public, and the honors of the appointment.

Windsor, Oct. 31, 1791.

ROGER ENOS.

*Lieut. Gov. Olcott to the Freemen of Vermont.<sup>1</sup>*

The subscriber hereby wishes to testify his gratitude to the Citizens of this State, for having heretofore placed him in a number of important Offices, and their late frequent appointments to the second seat of Magistracy. He feels that the infirmities of age and bodily indisposition, render him incapable of discharging the important functions of his office—and requests them, in the choice of his successor, to elect some person of known integrity and abilities, who will be both serviceable and respectable [acceptable] to the community at large.

Norwich 14th Aug. 1794.

PETER OLCOTT.

*Elijah Paine to the General Assembly, on his election as United States Senator.*

From the record of the Grand Committee in the *Assembly Journal* of Oct. 14 and 15, 1794:

Oct. 14.—On motion, Mr. Jacob was requested to wait on the Hon. Elijah Paine, and desire him to attend the house and inform the Committee, whether or not he shall accept the appointment of Senator, to represent this State in the Senate of the United States.

The Hon. Elijah Paine, Esq., appeared on the floor of the house, and requested of the committee, that he might be indulged a further opportunity, before he gave his answer to the message, communicated by Mr. Jacob.

Granted.

Oct. 15.—The Grand Committee met according to adjournment, when his Excellency communicated the following letter from the Honorable Elijah Paine, Esquire, viz.

RUTLAND Octob<sup>r</sup>. 15<sup>th</sup>. 1794.\*

Sir,—I feel deeply impressed with a Sense of the Honor done me in my appointment as Senator in the Congress of the United States.—When I compare my Opportunities for information & my abilities with the importance of the Trust, It might be thought, that Modesty would induce me to decline the undertaking.—I have endeavoured from every circumstance to collect what my duty is.—The result has been, (& that more from the General Wish of the Legislature than from any other circumstance) that I have concluded to accept the Appointment.

I dare make no promises, but I cannot but hope that the lively impressions I now feel, will on all occasions produce an uniform Zeal for the Welfare of this and the United States.

I will only add on this Head, that the consideration that my fellow Citizens of Vermont are so uniformly attached to peace and good Order and so capable of distinguishing between real & imaginary evils, will at all times afford me the highest satisfaction.

<sup>1</sup>Spooner's *Vermont Journal* of Aug. 25 1794.

\*This letter is here printed from the original, in *Ms. Vt. State Papers*, Vol. 24, p. 76.

As I accept this Appointment, it will now become necessary for me to resign the Office I have for several years past sustained as Judge of the Supreme Court.

Give me leave to assure your Excellency, that my frequent reappointments to that Office have afforded me the most pleasing satisfactory evidence of the approbation of my fellow Citizens. Your Excellency will be pleased to communicate these my Sentiments to the Council and General Assembly, Towards whom, together with your Excellency, I remain with Sentiments of most perfect Esteem.

(Signed)

ELIJAH PAINE.

*His Excellency Thos. Chittenden.*

On motion, *Resolved*, That the Committee do now proceed to the choice of a Judge of the Supreme Court, in the room of the Hon. Elijah Paine.

The ballots being taken, Lott Hall Esq. was declared duly elected.

*Letter of Samuel Knight to the General Assembly, on retiring from the office of Chief Justice, and proceedings thereon.<sup>1</sup>*

To the Honorable the General Assembly of the State of Vermont,

*Gentlemen.* At the time of my retiring from the office of Chief Justice of this State, I beg to be permitted to express to the Legislature the sense which I have of the honour that has been repeatedly done me in being appointed so often to that office. I am fully sensible of the right of the honourable Assembly to appoint any person they think proper, at the head of the judiciary department; and do not at all call in question the wisdom or propriety of the appointment which they have made. At the same time I cannot but express a consciousness of the most upright intentions and views in the discharge of every part of the duty of that important office; and I am happy to find upon the most careful enquiries which I can make, that the people of this State have not complained that any part of my official conduct has appeared unto them, to deviate from the strictest rules of Justice, equity, or propriety; these considerations afford me greater satisfaction than the emoluments of any office whatsoever.

Upon retiring from the publick business of the State, you will give me leave to express the most ardent wishes that the Legislature may at all times be guided by the Spirit of wisdom in the appointment of all their judiciary and executive officers: That the Courts of Justice may always remain pure and uncorrupted, in administering Justice to this people: and that the people may continue to enjoy the blessings of freedom and good government to the latest posterity.

SAMUEL KNIGHT.

Rutland Oct y<sup>e</sup> 15<sup>th</sup> 1794.

From the printed *Assembly Journal* of 1794 :

Oct. 18.—On motion by Mr. Jacob, *Resolved*, That the following address from this house be presented to the Honorable Samuel Knight, Esquire, late Chief Justice of this state.

*Sir*,—This house in answer to your respectful address to both branches of the legislature, take the liberty to express to you the lively sense with which they are impressed of the justice, equity and propriety of your conduct, in the discharge of the various duties of the important office of Chief Justice of the Supreme Court—and of the dignity with which you have so long presided.

<sup>1</sup>From the original, in *Ms. Vt. State Papers*, Vol. 24, p. 75.



Of the consciousness of the most upright intentions and views with which you declare you have been uniformly actuated, we are fully convinced.

We are happy to find that you do not question the right or propriety of the assembly in displacing its officers.

And in retiring, sir, from the public business of the state, we wish you may enjoy all the satisfaction appertaining to private and social life,—long continue a blessing to your family and society, and when the curtain of life shall drop, receive a crown of Glory that shall never fade away. (Signed) DANIEL BUCK, *Speaker*.

Oct. 21.—Whereas the honorable Samuel Knight, Esquire, has never received a grant of lands from this state or the government of New-Hampshire and New-York, and it being suggested that there are small gores of land, not granted or claimed by any private individual:

Therefore, Resolved, That the Honorable Samuel Knight, Esquire, have liberty to bring in a bill granting him two thousand acres of land in this state (if there be that quantity unlocated to be found.) under such regulations, restrictions, conditions and reservations, as the legislature shall direct.

An act was passed accordingly.—See printed *Laws of Vermont*, 1794, p. 66.

*Israel Morey to Gov. Chittenden, resigning the office of Brigadier General.*<sup>1</sup>

Sir I have for nearly twenty years Served my Country in the Military department. I am now so far advanced in life, that I wish for leave to resign my office as Brigadier General in the Second Brigade & fourth Division of Militia.—I think, Sir, it would be for the interest of the Brigade which I have the honor to command that I should resign at this time.—I therefore request your Excellency that you would be pleased to accept of it. I have the honor to be your Excellency's most obedient and humble Servant.

ISRAEL MOREY.

Rutland, Oct<sup>r</sup>. 18<sup>th</sup>. 1794.

*His Excellency Thomas Chittenden.*

Attest

TRUMAN SQUIER, Sec.

William Chamberlain of Peacham was elected vice Morey resigned.

Gen. MOREY represented Orford, N. H., in the Vermont Assembly in 1778; and Fairlee in 1786, 1788 until 1791, and 1793 until 1798—eleven years. He was Judge of Orange County Court 1786, 1789, and 1790; also a member of the Constitutional Convention of 1793. It is evident from his letter that his military services included the whole of the revolutionary war. In May 1775 he was a delegate from Orford to a Convention at Exeter, N. H., to take measures to restore the rights of the colonies; and in November of the same year he was delegate to a like Convention at the same place. Samuel Morey, second son of Gen. Morey, propelled a boat by steam in 1792 to 1793, ten years before Fulton constructed his experimental steamboat. Fulton in fact had the benefit of Morey's invention, and supplanted him.—*Vt. Hist. Magazine*, Vol. II. pp. 893, 894; and *Deming's Catalogue*.

<sup>1</sup> From the original in Ms. *Vermont State Papers*, Vol. 24, p. 77.

*Letter of Enoch Woodbridge, on accepting the office of Judge of the Supreme Court.<sup>1</sup>*

RUTLAND Oct 29 1794.

Sir through you I *would* communicate to the Hon<sup>ble</sup> House that I have this day appeared before his Excellency and taken the Oath of Office as one of the Judges of the Supreme Court in this State agreeable to my appointment.

I would further communicate to the Hon<sup>ble</sup> House the high Sense I feel for the Honor conferred on me in the appointment. I feel Sir as if the Lives, Liberties and property of my fellow citizens are to be<sup>2</sup> in some Degree committed to my charge.—I feel it Sir as a heavy Charge—but hope by the *aid* and *guidance* of Divine providence & by the good counsel of my Fellow citizens I may be enabled to Discharge the Duties of the Office to Gen<sup>l</sup> Satisfaction.

I am Sir with Esteem your most Obed<sup>t</sup> and Hum<sup>bl</sup> Serv<sup>t</sup>.

ENOCH WOODBRIDGE.

*The Hon<sup>ble</sup> Dan<sup>t</sup>. Buck Speaker.*

ENOCH WOODBRIDGE was in the continental service in 1779 as Commissary of Issues. Soon after the close of the war he became a citizen of Vermont, residing at Vergennes, of which city he was the first Mayor. He was a member of the Assembly from 1791 until 1795, and again in 1802; a Delegate in the Constitutional Convention of 1793; Judge of the Supreme Court in 1794 and until 1801, and Chief Justice for the last three years of service. He died in May, 1805. His successors in public service were the late Hon. Enoch D. Woodbridge, and the present Hon. Frederick E. Woodbridge, both of Vergennes.

*Resignation of Thomas Porter, and proceedings thereon.*

From the printed *Assembly Journal*, 1794:

Oct. 29.—The honorable Thomas Porter, esquire, appeared in the house, and informed them, that from the infirmities of his age, he had been induced to resign the office of a councillor, in this State, and of course his seat in the council had become vacant. After expressing a wish for the present and future prosperity of this and the United States, he withdrew.

Oct. 30.—Mr. Jacob, from the committee appointed to draft an address to the Honorable Thomas Porter, Esquire, reported as follows, viz.

Resolved, That the following address, signed by the speaker and countersigned by the clerk, be presented to the Honorable Thomas Porter, Esquire, who hath lately resigned his seat as a councillor, and that the same be entered on the journals.

Sir—This assembly, sensible of the uprightness and integrity with which you have so long filled the office of a Counsellor in this state, regret that the time has arrived, when you say, the infirmities of age have induced you to retire to the private walks of life. In the name of the freemen, they thank you for the patriotic firmness, with which you have for a long series of years, stepped forth in support and vindication of their liberties. Be assured, Sir, you retire with the approbation of your

<sup>1</sup> From the original, in Ms. *Vermont State Papers*, Vol. 24, p. 78.

<sup>2</sup> "Are" erased and "to be" inserted.

country for your past services, and their ardent wishes for your present and future felicity.

DANIEL BUCK, *Speaker*.

RICHARD WHITNEY, *Clerk*.

Which was read and accepted. Ordered, That the clerk present the above address.

IN COUNCIL, Oct. 30 1794.

The Letter of Address from the Legislature to the Hon<sup>ble</sup> Thomas Porter Esq<sup>r</sup> on his Resignation of his Office as Councillor [was] Read and Unanimously approved by the Council.

### *Declination of Lieutenant Governor Hunt.*

From the *Rutland Herald* of June 27 1796.

*To the Freemen of the State of Vermont.*

By your choice, I have had the honor of filling the office of Lieutenant Governor, in and over said state, for the two last years. So far as I could learn my duty, I have endeavoured to discharge it. The suffrages of my fellow citizens, at all times, command my respect. As they were unsolicited in that appointment, they excite my unfeigned gratitude. Should I again be honored with the election, the present arrangement of my affairs will oblige me to decline it. I therefore unequivocally request those who have honoured me with their votes, to give them to some other person.

JONATHAN HUNT.

This resignation of the Lieutenant Governor [added the *Herald*,] will be matter of sorrow to the citizens of this state. While the blessings of heaven follow him in his retirement, may his office be filled with another steady republican; who, disdaining the iniquities of electioneering, like Mr. Hunt, shall find a faithful discharge of the duties of an active and useful life, the surest as well as the most honourable method, of engaging the suffrages of his fellow citizens.

### RESIGNATION OF U. S. SENATOR MOSES ROBINSON, IN 1796.

*Governor Chittenden to Lewis R. Morris, Speaker of the House.*<sup>1</sup>

RUTLAND, Oct. 15th, 1796.

Sir Having Rec<sup>d</sup> the inclosed Letter from the Hon<sup>ble</sup> Moses Robinson, Esquire, one of the Senators from this State, to the Congress of the United States, containing his resignation of that office, I have Taken the earliest opportunity to communicate the same to the General Assembly. You will Please to communicate this Together with the inclosed Letter from him.—Am Sir your most Obedient & very Humble Servant.

THO<sup>s</sup>. CHITTENDEN.

*Speaker of the House of Assembly.*

The letter enclosed was as follows :

RUTLAND, 15th Oct. 1796.<sup>2</sup>

Dear Sir,—Having an appointment to the office of Senator of the United States, it was my intention to have served the whole term for which I was elected, but the circumstances of my domestic affairs are such as render it wholly incompatible with my interest or duty any longer to hold that office.

<sup>1</sup> From the original letter in Ms. *Vermont State Papers*, Vol. 24, p. 91.

<sup>2</sup> From the printed *Assembly Journal* of 1796, p. 17.

I therefore take this method to communicate to the Legislature, from whom I received the appointment, a resignation of said office. However desirable popular applause may be, yet the consciousness of having acted with integrity and from the purest principles of the love of our country, affords a consolation highly to be preferred. The free suffrages of my fellow citizens for a number of years past, gave me an opportunity to express my attachment to their interest—and be assured, sir, that a just sense of my obligation to my country is too deeply impressed on my mind ever to be effaced, or to [permit me to] be an indifferent spectator of its prosperity or misfortunes. I am, dear sir, with respect, and sentiments of high esteem, your excellency's most obedient and very humble servant.

MOSES ROBINSON.

*His Excellency Thomas Chittenden.*

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*Joseph Marsh to the General Assembly.<sup>1</sup>*

To the Legislature of the State of Vermont, now sitting at Rutland:

*Gentlemen*,—Age, infirmity and a wish not to stand in the way of the usefulness of one better qualified, forbid my longer exercising the office of Chief Justice of the County Court for the county of Windsor—Therefore with a grateful sense of the honor done me, by your repeated former appointments—I must request you to consider me no longer as a candidate for that office.

JOSEPH MARSH.

Hartford 15th Oct. 1796.

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*Isaac Tichenor, on his election as United States Senator, to Gov. Chittenden.<sup>2</sup>*

RUTLAND, Oct. 20th, 1796.

*Sir*,—By a message from the Secretary of Council, I am informed, that it has been the pleasure of the Legislature to confer on me an appointment to represent this State in the Senate of the United States, as well to fill the vacancy occasioned by the resignation of the honorable Moses Robinson, as for the term of six years.

The confidence placed in me by my fellow citizens, in this instance, excites my most grateful acknowledgments, and demands my best exertions to promote their true interests.

Under these impressions I conceive it to be my duty to decline an acceptance of the office of Chief Justice, which the legislature have been pleased to confer on me, and with the purest motives devote myself to a faithful discharge of the trust committed to me, as Senator of the United States.

I am, sir, with due respect, your Excellency's obedient and very humble servant,

ISAAC TICHENOR.

*His Excellency Thomas Chittenden, Esq.*

To be communicated to both Houses of the Legislature.

Nathaniel Chipman was elected Chief Justice by the Grand Committee, vice Tichenor declined.

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*Gov. Chittenden to Samuel Matlocks, on a case of apprehended defalcation.<sup>3</sup>*

Having been informed that William Sweetser, sheriff of Windsor county, was in danger of bankruptcy, treasurer Matlocks asked the ad-

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<sup>1</sup> From the original, in *Ms. Vermont State Papers*, Vol. 24, p. 90.

<sup>2</sup> From the printed *Assembly Journal*, Oct. 20, 1796.

<sup>3</sup> *Ms. Vermont State Papers*, Vol. 24, p. 173.

vice of the governor as to issuing extents on which Sweetser as sheriff would receive the money. The reply follows:

WILLISTON 18<sup>th</sup> of April 1796

Sir I received your Letter of the 2<sup>d</sup> Instant yesterday have observed its Contents

Alowing the facts Contained in the representation made to you by a Gentleman from the County of Windsor to be true (that you are to Judge of as I have not his name neither have I had opportunity to Question him) I am at no loss to advise you to withhold the Extents from Esq<sup>r</sup> Sweetchers

if this must be done your owne wisdom will direct you as to the manner if you make it known to the County that your Extents will not be sent till Oct<sup>r</sup> Session it will Caus a delay in the Collection of the money the dammeg of which will in nowise Compare with a Total Loss of it

Should you hold back the Extents and Say nothing about it they [the tax-payers] will Expect them from Weeke to Week<sup>1</sup> and it might put it in Esq<sup>r</sup> Sweetchers Power to obtain a large Sum of the money and should he fail [as he did] the Constables would Suffer and the Government be kept out of it a number of years

I am Sir yours in Sincerity

THO<sup>s</sup>. CHITTENDEN.

Samuel Matlocks Esq<sup>r</sup>.

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*Samuel Hitchcock, and Roswell Hopkins, Commissioners for revising the statutes, to the Legislature, on the inadequacy of their compensation.<sup>2</sup>*

To the hon<sup>ble</sup> the legislature of the State of Vermont—

The subscribers have flattered themselves by the almost unanimous concurrence of the legislature in the several bills reported by the Committee of revision, that they had executed the trust reposed in them with acceptance and fidelity.

From the short period allowed them for the completion of the business, they have been driven to the necessity of wholly neglecting their private concerns, and of making extraordinary exertions to effect the object.—Having been informed of the wages resolved for their services per day by the General Assembly, they consider the same inadequate to the private sacrifices and exertions which they have made, and altho they would be willing to make a partial sacrifice for the good of the public, they cannot feel themselves justified to themselves and families in further pursuing the business for the compensation proposed.—And while they avow the above sentiments for themselves, they are sufficiently authorised to express the same for their friend and colleague Judge Chipman, and therefore must beg to be discharged from any farther attention to the business of their appointment—and have the honor to be, with the most perfect respect, yours and the public's very humble Ser<sup>ts</sup>.

SAM. HITCHCOCK,  
ROS<sup>L</sup>. HOPKINS.

Rutland March 7<sup>th</sup> 1797 2 oClock P. M.

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*Gov. Chittenden to the Freemen of Vermont. declining the office of Governor. July 1797.*

*My Fellow Citizens.*—Impaired as I am, as to my health, I have had thoughts of addressing you on the propriety of preparing your minds in

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<sup>1</sup> The mail went once a week.

<sup>2</sup> From the original, in *Ms. Vermont State Papers*, Vol. 24, p. 98.

the ensuing Election, to place in the Chair a worthy citizen to administer this Government. As the period for that purpose is drawing nigh, your thoughts must be employed in designating the person who is to be clothed with that important trust. And that the expression of the public voice may be more unanimous, I now apprise you of the resolution I have formed to decline being considered as a candidate at the ensuing election.

Impressed with a sense of your former attachment to my person and character — the obligations I am still under to you, together with my continued warm attachment to the interest and welfare of the people of this state, must induce you to believe that unanimity of sentiment, not only in the choice of my successor, but in every exertion to promote the interest and happiness of the people of this state, from whom I have so long had, not only the honor to govern, but also their confidence and approbation, will be to me the greatest pleasure.

That you may be harmoniously united in appointing a worthy and virtuous citizen for that purpose, and that the administration and other parts of the government may, under God, be directed to the best purposes for the peace and happiness of this people is my most fervent wish. The benefits which we have reason to expect will be transmitted to posterity, resulting in our united exertions in the organization and support of this government, will be to me an adequate reward for the many years devoted to your service with an upright zeal.

And while I express my warmest attachment for, and acknowledgment to the worthy Freemen of this state, committing their interests and concerns, together with my own, to the all-wise and benevolent disposer of all things, I shall continue my earnest prayers for the continuance of his favors, and that we may be saved from internal discord and foreign invasion, and that the great and benevolent Jehovah may continue to be our protector.

THOMAS CHITTENDEN.

State of Vermont, July, 1797.<sup>1</sup>

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*Gov. Tichenor to Samuel Mattocks, on the payment of the debt to New York.*<sup>2</sup>

Novr 22<sup>d</sup> 1798.

Dear Sir, I omitted to mention to you my earnest wish that the Debt due to the State of New York should be paid as soon as possible—in case any of your neighbours were going to Albany, in whom you could confide, you might send the Money at different times by them & lodge it in the bank of Albany—this would be an easy & safe mode of making the payment, & when the whole should be remitted, you might personally attend & finish the business—you will not consider, that the State of New York has a right to demand any Interest.

I am in friendship yours—

ISAAC TICHENOR.

*The Treasurer.*

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<sup>1</sup> From *The Rutland Herald* of Aug. 14 1797. In all the Vermont newspapers this letter was erroneously styled "Gov. Chittenden's Resignation," and the historians Williams and Thompson have perpetuated this error.

<sup>2</sup> Ms. *Vermont State Papers*, Vol. 24, p. 185.

*Same to Same.*<sup>1</sup>Dec<sup>r</sup> 7<sup>th</sup> 1798.

Dear Sir, The last Mail deceived me, otherwise I should then have written to you on the subject of the York Debt—since my last to you on this subject—the Comptroller [of New York] says—you may send any sum, even to ten Dollars, to the Treasurer (Robert McClallen) at Albany, and it shall be received, & receted—he thinks this will be the easiest and most eligible mode of remittance—the sum is much wanted, and I flatter myself it will be in your power to forward it, soon.

I am your friend

ISAAC TICHENOR.

The letters to the State Treasurer, preserved in the *Vermont State Papers*, give abundant evidence of the great poverty of the people except in land, and that the taxes necessarily imposed, for both the ordinary revenue and the extraordinary payment to New York, were very burdensome. For example: July 20, 1798, John Mattocks, subsequently governor, wrote to his father, Samuel Mattocks, then state treasurer, that he (John) had borrowed fifty-three dollars of first constable Scott of Peacham, "out of that vanity the cent tax,"<sup>2</sup> which sum he was constrained to borrow to discharge his court and clerk's fees at the last term of the court. The money was to be repaid on the day this letter was written, but, continued John, "alas it is to me unobtainable out of considerable (I might almost say large) sums now due by note book & ex—I cannot raise the inconsiderable sum above mentioned therefore am obliged to give this letter to Scott [the constable] in payment of the \$53;" and then begged his father to take his note and discharge the debt.<sup>3</sup> It is evident from the assurance of its comptroller that New York also was in great need.

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*Letter of Doct. Roswell Hopkins, on resigning the Office of Secretary of State.*

BURLINGTON, October 15, 1802.

Sir,—Through you it becomes my duty to communicate to the House of Representatives, that I expect shortly to remove from this government, and must decline a re-appointment to the office of secretary of state: an office to which, for fifteen successive years, I have been elected by the, almost, unanimous suffrages of that honourable House. A confidence thus reposed in me, by the guardians of the people, demands my acknowledgments, and I cannot retire from office without expressing my gratitude, and most ardent wishes for the prosperity of the state, in this public manner. I am, Sir, with sentiments of high esteem, Your most obedient Humble servant,

ROSSELL HOPKINS.

*The hon. the Speaker of the House of Representatives.*<sup>4</sup>


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<sup>1</sup> Ms. *Vt. State Papers*, Vol. 24, p. 193.

<sup>2</sup> In October 1797, a tax of one cent on each acre of land in the state was imposed, to meet the state expenses for 1798, in lieu of a tax on the grand list.

<sup>3</sup> For the letter of John Mattocks see Ms. *Vermont State Papers*, Vol. 24, p. 205.

<sup>4</sup> Printed *Assembly Journal*, 1802, p. 9.

*Letter of Hon. David Wing, Jr., on accepting the office of Secretary of State.*

To the Honourable Abel Spencer Esq.

Speaker of the General Assembly of the State of Vermont.

Sir,—Impressed with a lively sense of the honor conferred on me by the general assembly, in appointing me to the office of Secretary of State, I return therefor my sincere and grateful thanks. When I consider the importance of the office, and my own qualifications, it is with much diffidence I accept the appointment. I consider it very unfortunate for me, that I receive the appointment on the resignation of a man, who has filled the office for a number of years, with the universal approbation of the state; for any error of mine in the execution of the office, will of course be more glaring in the view of the public. However, I flatter myself, that every unintentional error I may commit, will be excused by the candid and honest.

D. WING, Jun.

Burlington, Oct. 18, 1802.

DAVID WING, Jr., was born in Rochester, Mass. June 24 1766, came to Montpelier about 1790, and for twelve years served as town clerk, town representative, and judge of the county court, and then was elected to the secretaryship. To this office he was annually re-elected until his death, Sept. 13 1806. By his capacity, integrity, and gentlemanly manners, he became one of the most popular of the public men of the State; of which the fact that, while he was a Federalist in politics, Republican legislatures retained him constantly in office, is ample proof. Had he lived, he doubtless would have been employed in many higher offices.—See D. P. Thompson's *History of Montpelier*, pp. 175–177.

For other papers see as follows: Address of the Council of Censors to the General Assembly, *ante*, p. 46; Letters of resignation by Gamaliel Painter, *ante*, p. 95—Truman Squier, *ante*, p. 173—Gen. William Chamberlain, *ante*, p. 239—and Luke Knoulton, *ante*, p. 271.



## APPENDIX D.

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### INTERNAL IMPROVEMENTS, ON LAND AND WATER.

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A very large proportion of the acts of the legislature, in the period covered by this volume, levied taxes on the proprietors of land in the new towns in the State, to raise money to be expended in building and repairing roads and bridges — the purpose and effect being to impose a portion of these burdens upon the owners, both resident and non-resident, of the land to be benefitted by the expenditure ; but at the same time, by a general statute, each male person, (clergymen and teachers excepted.) between the ages of twenty-one and sixty years, was required to work out, on the highways, a tax of sixteen shillings annually.<sup>1</sup> In some special cases lotteries were authorized, the proceeds of which were used in the construction of roads and bridges which were either unusually expensive or of more than local benefit. Within the same period, turnpikes were provided for by acts of incorporation ; and the exclusive right to run stages and maintain ferries was in some instances granted.

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#### CHAMPLAIN CANAL, AND NAVIGATION OF CONNECTICUT RIVER.

While these necessary works of internal improvement were going on — and the multitude of them made the expense very heavy, — there was an equal necessity for avenues of transportation out of the State, and especially to the seaboard, and it is found that to this matter public attention was turned with more interest and zeal than it had been, at an earlier date, to Ira Allen's project of a canal from the river St. Lawrence to lake Champlain.<sup>2</sup> The earliest allusion to this subject in Vermont is the following in the *Vermont Gazette* of Sept. 6, 1790.<sup>3</sup>

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<sup>1</sup> Acts of March 8 1787, and Nov. 1 1792.

<sup>2</sup> See Vol. III, pp. 407-420.

<sup>3</sup> About 1784, perhaps later, William Gilliland, of Willsborough, N. Y., wrote as follows :

The region of both sides of Lake Champlain, is now a well inhabited country, and the lands amazingly advanced in value even at present.

BENNINGTON, September 6.

A correspondent from the county of Rutland informs, that the plan of opening a water communication between Lake Champlain and Hudson's river, has become a subject of much conversation in that and the northern counties of this state. A company of gentlemen in that part of the country have agreed to make an excursion a few weeks hence, for the purpose of examining the ground between Fort Anne and Hudson's river, and determining the practicability of the scheme, by actual mensuration, if necessary. Our correspondent adds, that the practicability cannot be doubted, if a stream of water can be found sufficient to supply a canal, capable of being brought on to the highest ground in the course. Wood Creek is boatable from Lake Champlain to Fort Anne, fifteen miles, except the falls at Whitehall, which may easily be locked; from Fort Anne to the Hudson is twelve or fourteen miles through a level country.

The advantages to be derived from the accomplishment of such an undertaking, to the fertile country adjacent to Lake Champlain, are almost inconceivably great; and the addition of 150 miles inland navigation, through the most fertile and thriving country in this part of America, to the present commercial advantages of New York, will give them a decided superiority in trade to any place in the union. It is apprehended, should the execution of the scheme be found possible, by actual survey, the expensiveness of the undertaking will be no obstacle to its accomplishment. It is an object worthy the attention not only of individuals, but the legislatures both of New York and Vermont.

This was more than a year before, in March 1792, Gen. PHILIP SCHUYLER, aided materially by ELKANAH WATSON, procured from New York the charter of the Western and Northern Inland Lock Navigation Companies, which were the precursors of both the present Erie and the Champlain canals.<sup>1</sup>

Simultaneously with this project in western Vermont, in eastern the improvement of Connecticut river for navigable purposes was consid-

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*How much more valuable will they become, when an Inland navigation will be made from sea to sea, which it is expected will be completed in less than two years from this time.*—See Winslow C. Watson's *Champlain Valley*, pp. 196-198.

Mr. Watson construes this as meaning a canal from Lake Champlain to Hudson's River, which was not entered upon until 1792, and even the most brilliant imagination could hardly conceive the probability of its construction in two years. Perhaps Gilliland's word was *ten*, misread "two," a common error. It seems to be more probable that Mr. Gilliland had in mind Ira Allen's projected canal between Lake Champlain and the St. Lawrence river, the survey of which was actually completed in 1785.—See Ira Allen's *History of Vermont*, in *Vt. Hist. Soc. Collections*, Vol. I, pp. 472, 477-480. On either hypothesis, Gilliland undoubtedly somewhat interested and influenced his Vermont neighbors on the eastern shore of the Lake. His enterprises were large, and his associations with Vermont intimate.

<sup>1</sup> See *Men and Times of the Revolution*, by Elkanah Watson, pp. 316-331.

ered, and at the October session of the legislature of 1791, the following was one of the articles of business assigned for that session:

10th. That the Legislature take into consideration the expediency of opening a communication between the waters of Lake Champlain and Hudson's river—and also of rendering the navigation of Connecticut river more easy and advantageous.

This article was committed to Messrs. Arad Hunt of Hinsdale [Vernon,] Jonathan Robinson of Bennington, Roger Enos then of Hartland, Matthew Lyon of Fairhaven, Gamaliel Painter of Middlebury, William Dennison of Strafford, and Ira Allen of Colchester; and Jonathan Arnold was joined from the Council. Oct. 31 this committee made a report in respect to the proposed Champlain canal, which report was tabled for the time then being, and no notice is found of any subsequent action thereon in the journal of the Assembly, nor was the report printed.<sup>1</sup> It is probable that the report was favorable to the scheme, but recommended no definite action, as New York, within the limits of which the whole work was to be done, had not then authorized it. On the same day, the House passed a bill entitled "An act granting to William Page, [then of Charlestown, N. H., finally of Rutland,] Lewis R. Morris [of Springfield,] and their associates, their heirs, and assigns, forever, the exclusive privilege of locking Bellows Falls." This act fixed the tolls for thirty-two years; provided that at the end of that period, and every ten years thereafter, the supreme court might reduce the tolls, but not so as to prevent the proprietors from receiving twelve per cent. per annum on their actual expenditure; and made it the duty of the governor to issue a charter to the grantees, "and to incorporate them into a body politic, by the name of the *company for rendering Connecticut river navigable by Bellows falls*, with such privileges and immunities as may be necessary for the safety and well ordering of said property." For some reason, and possibly from an unwillingness of the governor to exercise the great powers reposed in him by this act, an act of incorporation of the same company was passed in October 1792, which, in addition to the provisions of the first act, authorized the county court by committees to assess damages for lands taken, and for injuries to private property.<sup>2</sup>

Under the act of New York of March 1792, work was commenced on the Champlain canal in 1793, at Whitehall, and probably elsewhere on

<sup>1</sup> At the next session, Oct. 1792, the governor communicated a letter from William Eaton, relative to this report. Eaton had been clerk of the House in 1791. His letter cannot be found.

<sup>2</sup> See *Laws of Vermont*, Haswell's revision printed in 1791, and *Acts* of 1792. It is worthy of note that the powers here given to the courts in respect to land damages, and the reduction of tolls, were embraced in the charters for railroads nearly half a century later. The provision as to land damages was undoubtedly derived from the statute as to lands taken for highways.

the line, but was soon discontinued for the reason stated in the following letter :

*Gen. Philip Schuyler to Gov. Chittenden.*<sup>1</sup>

ALBANY October 17<sup>th</sup> 1793.

Sir,—The legislature of the state of New York has incorporated a company for the purpose of opening a canal and lock navigation from the tide of water of Hudson's river to Lake Champlain. If the object of the Institution is compleated the most extensive benefits will result as well to the citizens of Vermont, as to those of this state. The works have been commenced and were progressing with a pleasing celerity, when they were arrested by the defalcation of many of the stockholders who neglected making payment of the Second requisition of twenty five dollars on each share assigning for reasons, that as only 672 shares had been subscribed and the estimated expence amounting to 225000 dollars, each share would amount to about 335 dollars ; this, especially those who held many shares, conceived would be beyond their means. They have however since generally made the required payments, intending to solicit further aid from the Legislature of this State, either by an additional donation to the company, or by taking an extensive number of shares in the stock, and there is little doubt but that relief will be obtained in one or other of these ways.

The directors have been advised that It was probable the Legislature of your state would contribute to this important undertaking, and have requested me to make the above communication,—should aid be extended by your state your Excellency will pardon the liberty I take in suggesting the stipulations which appear to me proper to accompany any free gift—and which will secure Its application to such part of the improvements in which the citizens of Vermont are more immediately interested,—and which are, that the gift should [be] exclusively appropriated to clearing, straitning and deepning Wood Creek, from the canal and locks now constructing at Skensborough [Whitehall] to that part of said creek where It will be intersected by a canal to be drawn from Hudson's river near Fort Edward, and that the improvements should be made on such a scale as to admit the passage of vessels of sixty feet in length, ten in breadth, and to draw at least two feet of water,<sup>2</sup> and that If the whole gift is not expended in this improvement the residue to be laid out on the canal to Hudson's river aforesaid,—but If the legislature should prefer to direct the subscription of a number of shares, then nothing more will be necessary than to make provision for the payment of fifty dollars on each share, being the sum paid by the original Subscribers, and to direct the payment of such future requisitions as the directors may call for on each share, in a general requisition upon all the stockholders.

If aid is extended to the company in either way, by the legislature of your state and by this, I am perfectly confident that the improvements may be compleated in five years to carry vessels of the burthen above-mentioned, and even larger, from Lake Champlain to the town of Troy. It is certainly needless to detail the advantages which will be derived to

<sup>1</sup> From the original letter, in *Ms. Vermont State Papers*, Vol. 24, p. 66. A literal copy is given, with the addition of a few points.

<sup>2</sup> The Champlain canal, as completed by New York in 1823, was forty feet wide at the surface, twenty-eight feet at the bottom, and four feet in depth.

the community from a completion of the contemplated work. They will readily occur to Your Excellency and to the enlightened legislature of the state in which you preside.

I have the honor to be with great regard Sir Your Excellency's Most Obedient Servant

PH: SCHUYLER.

*His Excellency Governor Chittenden &c. &c.*

The foregoing letter was communicated to the General Assembly by the governor, and it was referred to Samuel Hitchcock of Burlington, Daniel Farrand of Newbury, Enoch Woodbridge of Vergennes, Matthew Lyon of Fairhaven, and Elijah Robinson of Weathersfield, to whom Councillors Safford and Marvin were joined. On the 4th of November, this committee reported "That the Legislature take measures to direct the purchase of twenty shares in the company for the use of the State ;" but, it being the last day of the session, the letter and report were referred by the Assembly to the next session. No legislative action occurred until 1796, and it appears from the following letter that the company had suspended the work.

*Gen. Philip Schuyler to Gov. Chittenden.\**

ALBANY October 10<sup>th</sup> 1796.

Sir, The board of directors, of the northern inland navigation company, in this state, have determined to re-commence their operations in the ensuing year, and to prosecute, with all possible celerity, the improvements in the internal navigation. Their first object will be, the completion of the canal, and locks at Skensborough [Whitehall,] and to clear wood creek, from the timber which Obstructs the navigation thereof, so as to render it competent, for the passage of boats of ten tons burthen, in the driest seasons;—to cut down such timber standing on Its banks, as may fall into the Creek, and create fresh impediments, & to form a towing path on one of Its banks. the expence of these works; that of a canal and locks, to connect the waters of wood creek, with Hudson's river, the improvements in that river, and the other canals, and locks, requisite to form an uninterrupted water communication, between Lake Champlain, and the tide water of Hudson's river, has been estimated at three hundred thousand dollars. This sum, altho' inconsiderable, when placed in competition with the almost invaluable advantages, which must certainly result, from the facility with which the produce of the country, between this and Lake Champlain, and that produced on both sides of the lake, will be brought to market, when the work shall be compleated, is nevertheless, so extensive, as not to be raised, without much embarrassment to many of the original subscribers to the stock of the company. under the conviction of this embarrassment, the Legislature of this state, has not only gratuitously bestowed, twelve thousand five hundred dollars on the company, but as a farther aid, has subscribed two hundred shares, on the part of the people of the state. there are however, still One hundred and twenty-eight shares unsubscribed, of the one thousand, of which the stock of the company is to consist.

As a very considerable portion of the citizens of Vermont will participate in the benefits which will result from the operations of the company, the directors are persuaded, they may with propriety respectfully solicit the aid of your legislature, and therefore entreat that respecta-

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\* From the original in *Ms. Vermont State Papers*, Vol. 24, p. 89.

ble body to Subscribe fifty shares to the stock of the company, on the part of their constituents, and to cause Wood Creek to be cleared in the manner above mentioned.

Should the Legislature be pleased to Subscribe fifty, or any other number of shares, permit me to mention, that the present stockholders have already paid fifty dollars on each share, and that a like sum, would be to be paid on each share, which may be subscribed on the part of your state,—and as It is believed, that the aggregate expence of all the works will not exceed the sum I have stated, only two hundred and fifty dollars more, will be required on each share, by instalments, probably not exceeding fifty dollars in each year, for the five ensuing years, in which time it is expected to compleat the works,—and Should the legislature be farther pleased to cause wood creek to be cleared and cut the timber from Its banks, as abovementioned, It would require the labour of about thirty men, for sixty working days, especially If in the Course of the ensuing Winter, when the Ice in the creek shall be sufficiently strong to Support the weight of trees on It, those trees were cut, and also so much of the timber, already in the Creek, as may project above the Ice, and both cut into such lengths, as that it may with facility float down the Creek, with the spring freshes;

I have taken the liberty to Inclose for your Excellency's information ; and that of the Legislature, the Act of Incorporation, and two Subsequent Acts relative to the Company, and a report of the board of directors, from which will be seen the benefits which have already resulted to the community from the Operations of the Western company. may I entreat you Sir to lay this letter with the papers inclosed, before your legislature, and to solicit your aid to Obtain the prayer of the directors,—and to advise me of the determination of the legislature on the subject.

I have the Honor to be with great respect your Excellency's Most Obedient Servant

PH: SCHUYLER, president

of the directors of the Western Company.

*His Excellency Thomas Chittenden Esqr &c &c &c*<sup>1</sup>

Oct. 20 1796, this letter, with the accompanying documents, was presented to the Assembly and referred to Messrs. Elijah Dewey of Bennington, Matthew Lyon of Fairhaven, Oliver Gallup of Hartland, Josiah Arms of Brattleborough, Abel Thompson of Ferrisburgh, Daniel Farland of Newbury, and Elisha Sheldon of Sheldon. Councillors Knoulton and Strong were joined. Oct. 31, the committee submitted the letter in full to the House, with the following report:

To the honorable the General Assembly,—Your committee to whom was referred the consideration of the letter from the president of the northern inland lock navigation company in the state of New-York—with the accompanying papers, Report, That they have duly considered the matter therein contained, and view it of the utmost importance to the prosperity of this state, to give every encouragement to that very necessary work, they therefore recommend it to the legislature to comply with the requisitions contained in said letter, and in order to raise the necessary sums your committee farther recommend the laying of a tax

<sup>1</sup> The peculiar excellences and defects of this letter seem to warrant the statement of Elkanah Watson, that "General Schuyler possessed the highest order of talents, but without scholastic attainments."

of two pence on each acre on every town in this state lying on Lake Champlain, of one penny on each acre in the towns in the second tier from the said lake, and one half penny on each acre on the towns in the third tier, with the direction in the act for the monies arising from the profits of such shares to be paid into the treasury of the respective towns so taxed in due proportion, all which is submitted by

LUKE KNOWLTON, for Committee.

In a postscript to this report, the committee further recommended, in case the House accepted the report, "that the representatives of the towns concerned nominate the persons who are to transact the business, as it is not expected that the state treasurer will be concerned in the matter." After debate, it was resolved to postpone the subject until the next session; but on the 2d of Nov. Elisha Sheldon of Sheldon introduced a bill entitled "An act enabling all the organized towns in this state to tax themselves for the purposes therein mentioned;" and Nov. 8th it became a law. The preamble of this act was as follows:

Whereas the legislature of the state of Newyork have established a company in said state, called and known by the name of the President, Directors, and Company of the northern inland lock navigation from the now navigable part of Hudson's river to Lake Champlain; & have enabled said company to receive and enjoy certain profits which may arise therefrom. And whereas the President of said Company has made application to this legislature to subscribe for fifty shares thereof. —And although it appears to the legislature, that the purchase of said shares, for the purpose of encouraging said undertaking, would be highly beneficial to the state at large, yet as it would be more particularly beneficial to the western and north western parts thereof, the legislature do not think fit to purchase said shares with money taken from the public treasury, but for the purpose of encouraging an undertaking so laudable and beneficial to mankind, the legislature have thought fit to enable such towns as, from a spirit of liberality and enterprize, shall have a wish to become stockholders in said company, to tax themselves for the purpose.

Therefore the act authorized and empowered organized towns to levy a tax not exceeding six per cent. on the grand list, or a land-tax not exceeding three pence per acre payable in money only, for the purpose stated, and went on to provide for the collection of the taxes.<sup>1</sup> It is not known that this act was in any degree successful, but it is worthy of notice as being the precedent for several acts of recent date, and also of the existing general statute, authorizing towns to aid, by bonds or stock, in the construction of railroads.

While Gen. Schuyler was endeavoring to push on the work of his company in New York, the men of enterprise in the valley of Connecticut river were not idle. By companies chartered by Vermont, and in one instance at least by a lottery, means were raised for clearing the bed of the river, and constructing the necessary canals and locks. Massachusetts and Connecticut co-operated in the work, and finally the river was made available for transportation by flat-boats and rafts, much to the

<sup>1</sup> See *Laws of 1796*, pp. 42-47.

advantage of the inhabitants of the valley in Vermont and New Hampshire. These improvements were specially advantageous to those engaged in the lumber trade; and the canals still furnish water-power for manufactures of great value. In 1830, a small steam-boat ascended the Connecticut to Wells River Village; in 1831, five additional boats were built and put on the river at different sections between Hartford, Conn., and Wells River Village, and were run about a year; but in 1832 the company failed, and the boats were withdrawn.<sup>1</sup>

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<sup>1</sup> *Vermont Historical Magazine*, Vol. II, p. 955.



## APPENDIX E.

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### SURVEILLANCE OF THE NORTHERN FRONTIER BY BRITISH TROOPS—1783 to 1796.

It has already been stated, in Vol. III, pp. 395-6 and 400, that in 1784, British garrisons were maintained at Dutchman's point in North Hero, Vt., one half mile south of Alburgh, at Point au Fer in N. Y., opposite to Alburgh, and also at various points from Ogdensburgh to Michilimackinac, covering the northern frontier of the United States from Vermont to Lake Superior. To these facts is to be added another, that a British armed schooner, with a full complement of sailors, gunners and marines, was stationed at Windmill bay, between Alburgh and Point au Fer, and its commander had supervision of all boats passing through the Lake in any direction, co-operating with the garrisons, which were materially strengthened in 1791.<sup>1</sup> Alburgh was chartered to Ira Allen Feb. 23 1781, but had no legally organized government, under any authority, until June 7 1792, when the people, by the direction of Gov. Chittenden, met and organized as a Vermont town.<sup>2</sup> Down to that date, there was no serious disturbance from the British garrisons in the neighborhood; and for a year previous, any difficulty with them on account of the act of Congress making Alburgh the port of entry and residence of the collector of the district, had been obviated by Secretary Hamilton, who delayed execution of the act.<sup>3</sup> With the organization of the town, however, interferences were commenced by the British officers, and were continued with much annoyance until late in 1794; and a correspondence ensued, in which Gov. Chittenden of Vermont, Lieut. Gov. Clarke of the province of Quebec, Lord Dorchester the Governor General of the Canadas, Geo. Hammond the British minister at Philadelphia, and the U. S. Secretaries of State, Thomas Jefferson and Edmund Randolph, took part.

Before giving such parts of the correspondence as relate to Vermont, showing the assumption of jurisdiction by Vermont over the town of Alburgh, and the difficulties with the British that ensued, it is necessary

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<sup>1</sup> See *Vermont Journal* of June 28 1791.

<sup>2</sup> See affidavit of Benjamin Marvin, dated Oct. 18 1792, *post*.

<sup>3</sup> *Albany Gazette*, copied in the *Vermont Gazette* of Oct. 17 1791.

that the French line of latitude, 45° north, had been agreed upon in 1766 by Sir Henry Moore, then governor of the province of New York, and Brig. Gen. Guy Carleton,<sup>1</sup> then in Canada, and that this line was acknowledged by Great Britain, in the treaty of 1783, to be the northern boundary of the United States so far as Vermont and part of New York were concerned. The maintenance of British posts south of this line, from 1783 to 1796, was therefore a plain infraction of the treaty. The representatives of Great Britain so confessed, but excused the offence on the ground that the United States were at the same time violating the fourth, fifth, and sixth articles of the same treaty. Other important facts necessary to be stated are, that on the first day of November 1744, the King of France had granted the township of Alburgh to Francis Focault; that after the conquest of Canada, this grant had been confirmed by the King of Great Britain; that the title had passed from Focault through Gen. Haldimand and Henry Caldwell to John Caldwell—all British subjects; and that, at the time of this controversy, many citizens of Caldwell's upper manor, *alias* Alburgh, were in possession of their land under the Caldwells, either by deeds or as lessees. Hence, *in the British point of view*, the title in Focault's successors was good.<sup>2</sup> Moreover, the fifth article of the treaty of 1783 stipulated

That the Congress shall earnestly recommend [as it did] to the legislatures of the several states, to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of *persons resident in districts in the possession of his majesty's arms*, and who have not borne arms against the United States.

Great Britain insisted that this article had been violated by the United States; and when Gov. Chittenden organized Alburgh as a Vermont town in 1792, it is certain that Henry Caldwell regarded it as fatal to his title. It therefore may be concluded, though it is not so stated in terms in any part of the correspondence to which access has been had, that Lord Dorchester and the British minister also regarded the action of Vermont as being dangerous to the Caldwell title, and a violation of the treaty.

On the other hand, Gov. Chittenden had far stronger reasons for asserting the jurisdiction of Vermont over that town. By an act, to which Lord Dorchester himself was a party in 1766, the town was severed from Canada and became and remained a part of New York, *in law*, until the controversy between Vermont and New York had been settled;<sup>3</sup> it was assigned to Vermont by the resolution of the Continental

<sup>1</sup> Who had become Lord Dorchester at the time of this controversy.

<sup>2</sup> As to the title of Focault and his successors, see letter of Henry Caldwell to Gov. Chittenden, and the documents therein referred to, *post*, p. 456.

<sup>3</sup> The Caldwell title finally failed because, as one ground at least, it had not been recorded in New York.

Congress of Aug. 20 1781,<sup>1</sup> to which New York consented in 1790; by the treaty of 1783 Great Britain confirmed it to Vermont, and Congress also confirmed it by the act of 1791 which admitted the State into the Union. Thus in 1792 Gov. Chittenden had a perfect right, in every point of view, to assert the jurisdiction of Vermont, and also to assert that the establishment of civil government there had no bearing whatever upon the legal rights of citizens of the town claiming or possessing land there, or of Caldwell or other British subjects. The former had ample remedy in the state courts; and the latter, under the treaty of 1783 and the federal constitution, in the courts of the United States.<sup>2</sup>

Thus, in the *Vermont point of view*, Gov. Chittenden was clearly right, in spiritedly resenting the intrusion of British troops, as well as prudent in committing to President Washington the management of a business which became very dangerous to the peace of the country.

The claim of the Caldwells, father and son, as Focault's successors, really does not belong to this question, except so far as it served as an excuse for the British officers. So much has here been conceded to them. But Gov. Chittenden was aware, quite as well as they, of the grounds of the Caldwell claim, and perhaps better aware than they of its weakness.

The following letter preceded the organization of Alburgh by more than seven years:

*Henry Caldwell to Gov. Chittenden.<sup>3</sup>*

BELMONT Near Quebec 29<sup>th</sup> March 1785—

S<sup>r</sup>—I had the Honor of writing to Your Excl<sup>y</sup> the 2<sup>d</sup> of Febr<sup>y</sup> last, to which refer. Since which time I have had the pleasure of seeing Coll Ira Allen & we have had frequent Conversations respecting my property to the Southward of this province, his Claim he tells me is founded on a late Grant from Vermont State in Consideration of his services & the Expences he has been at on Acc<sup>t</sup> of the State, that he had asked for that land in preference to any other, from liking its Situation & the goodness of the Soil, not Knowing any thing of my Claim to it, that however he is very willing to relinquish his Claim provided he gets an Equivalent from your State elsewhere, & I believe he is very well Satisfy'd of the justice of your Adopting that measure,

I have mentioned to him what I now have the Honor of mentioning to you, that it would be in vain for me to Contend with him in your

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<sup>1</sup>In the *Vt. Hist. Magazine*, Vol. II, p. 496, this resolution is so construed as to *exclude* Alburgh from Vermont; which is precisely the reverse of its true meaning. Ira Allen drew the line adopted in that resolution, shortly after he had obtained the charter of Alburgh, and by no means intended to give the town to New York.—See his statement in Vol. II, pp. 319, 320.

<sup>2</sup>These remedies were afterward resorted to, when both Caldwell's and Allen's titles failed, and the landholders of Alburgh gained title by possession.—See *Vt. Hist. Magazine*, Vol. II, pp. 489, 492; and *Vermont Reports*, Vol. 3, p. 542.

<sup>3</sup>From the original letter, in *Ms. Vt. State Papers*, Vol. 24, p. 13.

Courts of Law, for Lands Granted by your Legislature, which in fact is, & must be considered by your Courts as the most Legal title he can have, & which nothing but an Act of your Legislature can do away, which I flatter myself cannot be avoided, when it is Considered the manifest injustice I am likely to suffer; I therefore request Your Excellency may lay this letter, with the Attested Copy of the Original Grant & its translation<sup>1</sup> which I herewith transmit, before your Legislature in June Next, a Grant in fact older not only than your State but than most of the members that Compose it, & Confirmed by the capitulation at the Conquest of this Country [Canada] & By the treaty of peace [between France and England] afterwards in 1763, & Independ<sup>t</sup> of many other Arguments which might be brought in support of my Claims & of which I have talked fully to Coll. Allen. my present situation in respect to you, is so like your former Situation in respect to N-York (even if the French Govern<sup>t</sup> as Coll. Allen Alledges had no Right to Grant Lands to the Southward of 45°) that by bringing the matter home to yourselves, you will in a Stronger manner feel the injustice you were about to do me who have paid dear for those Lands & already have been at so considerable an Expence in Settling them—

I have also requested Coll Allen (who I make no doubt will obtain an Equivalent from you) to get my Original Grant registered in your State & that in Case they are Confirmed by Your Legislature, he may Send me a Copy of such Confirmation, but if Contrary to my expectations, & those Ideas of justice & policy which Should naturally Engage you to wish to establish a Character with your Neighbours by a Connexion with Whom nature has pointed out reciprocal Advantages, & that my Grant Should not be Confirmed by Your State, You (who have been in a like situation) Can better Conceive than I Express What my feelings Will be When deprived of so Considerable a part of my property. I have the Honor to be With Great Respect & regard Y<sup>r</sup> Excellencys Most Obed<sup>t</sup> & Most Hble Serv<sup>t</sup>

HENRY CALDWELL.

Gov. Chittenden complied with Caldwell's request, on the 14th of June 1785, when the letter and accompanying papers were read in the Assembly, and postponed to the October session. Strong as was the appeal to the sympathy and generosity of the State, the relief asked could not be granted, and subsequent events proved that no very great injury resulted to Caldwell's estate, or to those citizens of Alburgh who held under him. The latter got their land by possession, and Caldwell's son and heir sold the remainder of the claim to Heman Allen of Highgate, for whom the price paid, with consequent expenses in suits, proved to be a bad investment.

#### INTERFERENCE OF BRITISH OFFICERS AND ACTION OF VERMONT IN 1792.

From the printed *Assembly Journal* of Oct. 15, 1792 :

The Governor and Council appeared in the House—when his Excellency made the following communications, viz.

4th. Copy of instructions from his Excellency the Governor, to Mr. Stanton, directing him to proceed to Alburgh, and make enquiry rela-

<sup>1</sup> These documents, the original grant in the French language and a translation of it, are in Ms. *Vt. State Papers*, Vol. 24, pp. 108-110.

tive to Enos Wood, Deputy-Sheriff for the county of Chittenden, being taken by a British guard and conveyed to St. Johns.

5th. A copy of a letter from his Excellency Governor Chittenden, to his Excellency Alured Clarke, Governor of the province of Quebec, requesting an explanation of the conduct of the aforesaid British guard.

6th. Directions to Levi Allen, Esq. to proceed to Quebec with the abovementioned letter.

8th. A copy of a letter from his Excellency the Governor to the President of the United States, informing him of the conduct of the British guard aforesaid.

9th. A letter from his Excellency Governor Clarke, to his Excellency Governor Chittenden, in answer to the letter above cited.

10th. A copy of another letter from his Excellency Governor Chittenden, to the President of the United States, enclosing a copy of Governor Clarke's letter.

11th. Two letters from the Hon. Thomas Jefferson, Esq., Secretary of the United States, dated the 9th and 12th July, 1792, in which were sundry papers enclosed, relative to the disturbances occasioned by the abovementioned British guard.

12th. Sundry affidavits relative to the above communication.

The above communications being read, were all referred to Messrs. [Daniel] Farrand, I. [Israel] Smith, and E. [Elijah] Sheldon, to join such Committee as the Council shall appoint, to state facts, and make report.

The papers above submitted to the General Assembly in 1792 were as follows :

*Gov. Chittenden to Joshua Stanton.*

WILLISTON June 10<sup>th</sup> 1792

Sir I have received verbal information, that the Capt. Commanding at Point au fair, on the last week, with a party of men under his command came to Alburgh and there in a hostile riotous and illegal manner obstructed and opposed Mr. Enos Wood, a Deputy Sheriff under Col. Pearl, high Sheriff of the County of Chittenden, in the execution of his office & duty and made him, together with two others, his assistants, prisoners.—In order to know the particulars of this conduct, you are hereby requested without loss of time to go to Alburgh and there make inquiry and procure authentic evidence of the facts—and on your way, you will call on Major [Nathan] Hutchins, of the north Hero, who I am informed was present at this transaction, to know of him the circumstances—and also request him to be at Burlington on Wednesday next, where I shall be, personally to give me what information he has of the business.—You will also call on Esq<sup>r</sup> [Benjamin] Marvin and [Samuel] Mott of Alburgh and request them to give me particular information in writing whether the inhabitants of that town have organized agreeable to the orders I have heretofore given—and what is the appearance of the disposition of the people with respect to this government. I am &c—

*Mr. Stanton.*<sup>1</sup>

T. CHITTENDEN.

*Gov. Chittenden to acting Gov. Clarke of the province of Quebec.*

WILLISTON June 16<sup>th</sup> 1792—

*To his Excellency Alured Clark Esq<sup>r</sup>*

Sir A British Capt with an armed force leaving his post and penetrating eight or nine miles within the acknowledged jurisdiction of

<sup>1</sup> From a copy of the letter in *Ms. Vt. State Papers*, Vol. 24, p. 48.

Vermont, and there imprisoning an executive officer of this government in the peaceable execution of his office, and by force of arms rescuing and withholding from him property taken into custody by a civil process for satisfying a just demand of debt; conveying the officer and two of his assistants under guard at [to] St Johns and there confining them in a common guard house; forcibly taking and detaining from him the precept he had been executing; imprisoning a justice of the peace under this government while he was quiet in his own house and carrying him to a british garrison and there paroling him as in a time of open war; and all this at a time of perfect tranquility between the two governments, has an appearance both novel and extraordinary—but as novel and extraordinary as this may be, these are transactions that have taken place by the command of De Chambault, captain at point au fair, within a few days past.—I feel myself therefore obliged immediately to request from your excellency an explanation of this unprecedented conduct and unprovoked insult upon the government of Vermont, or at least to know whether it has been done with your excellencys knowledge, direction, order or approbation.

I am Sir your humble Ser<sup>t</sup>

THOMAS CHITTENDEN.<sup>1</sup>

*Gov. Chittenden to Levi Allen.*

WILLISTON June 16<sup>th</sup> 1792.

*To Mr. Levi Allen*

Sir I request that you will without loss of time repair to the city of Quebec and personally deliver to his Excellency Gov. Clark, my letter herewith sent you—and wait a reasonable time for his answer.—I have also sent you copies of sundry affidavits, which you will make use of to ascertain the facts stated in my letter, should you find it necessary.—You will return as soon as the nature of the business will admit, and immediately make known to me, such communications relative to this business as you may obtain. I am Sir your humble Ser<sup>t</sup>

THO<sup>s</sup>. CHITTENDEN.

Another letter to Allen, of the same date and purport, seems to have been designed for credentials. It is filed "Governor Chittenden Orders on the Service of the State 1792."<sup>2</sup>

*Gov. Chittenden to President Washington.*

To the president of the United States—

Sir—The unprovoked insult lately offered to this, and the united government by the commanding officer of a british Garrison within the jurisdiction of the united States; is so flagrant a breach of the Laws of Nations, and the late treaty with great Britain; that I feel myself under obligations to give you the earliest information of it. I have enclosed you sundry affidavits, to which I refer you for the particulars.—Inclosed also is a copy of my Letter to the Governor of Canada of the 16<sup>th</sup> instant.—As soon as I receive an answer I shall without loss of time, communicate it to you, together with such other circumstances as may here-

<sup>1</sup> From a copy in Ms. *Vt. State Papers*, Vol. 24, p. 52.

<sup>2</sup> For copies of both letters, see Ms. *Vt. State Papers*, Vol. 24, pp. 49, 50.

after come to my knowledge.—I am with the greatest respect your Excellency's very humble Servant signed THOM<sup>s</sup>. CHITTENDEN.  
Williston, June 16<sup>th</sup>, 1792.

True copy from the Original.<sup>1</sup>

*Acting Gov. Clarke to Gov. Chittenden.*

QUEBEC 5<sup>th</sup> July 1792

Sir Your letter of June the 16<sup>th</sup> delivered by M<sup>r</sup>. Levi Allen did not reach my hand until the 30<sup>th</sup> of that month.

Your representation leading to Questions beyond the sphere of my Trust, and being unaccompanied with the Proofs to be expected with Complaints of that kind, I can only give command for the Investigations to be obtained here on a Subject of such Importance to the Peace of the Border.

If the Result shall be a Report affecting Points that belong to National Discussion, the information collected will go from me into such Channels as may bring the Report I receive with the Documents for its Verification under the Consideration of the Sovereignty I serve; and with these I shall not fail to transmit a Copy of your letter.

I am to presume, that a similar Deference will be held by yourself, towards the Power, to which the State you Govern is reputed to be Subordinate, and I trust in the Wisdom of the Negotiations and Councils of the Sovereignities concerned, for the Maintenance of the Faith of Treaties, and the Preservation of the Common Tranquility. I am, Sir, your very humble servant  
ALURED CLARKE.<sup>2</sup>

*Gov. Chittenden to President Washington.*

VERMONT WILLISTON July 16<sup>th</sup> 1792.

S<sup>r</sup>. Before this time I conclude you have received my Letter of the 16<sup>th</sup> of June Inclosing Sundry affidavits relative to the abuses lately offered this as well as the united States by the officers & Soldiers Stationed at Point au fair together with a Copy of my Letter to Lieu<sup>t</sup> Governor Clarke upon the subject

I now have the Honor to Transmit to your Excellency a Copy of Governor Clarke's answer to me I shall make no Comments upon the equivocal and evasive manner in which it is written

as I was Sensible that the Conduct of this garrison might Involve questions of national Importance and deserve a national discursion I took the earliest opportunity of transmitting to your Excellency the Information I had recieved upon the subject but as the Injury was more immediately felt by the Citizens of this State I consider my Self Justifiable in requesting of the Commanding officer at Quebec an Explanation of so new and unprecedented abuses from that Quarter Imprest with the Idea that what had been done was without his order or approbation. I Submit to your Excellency how far I have acted prudent in this Business or what fater or differant measures I Should have taken

I think it my duty further to observe that Alburgh is a tongue of land Seperate from the main land Cauled Point a fer by the waters of Lake Champlain Containing abought Sixteen Thousand acres and is from three to Ten miles distant from the Garrison it Contains between Sixty & Seventy heads of famileys Including abought five Hundred Souls

<sup>1</sup> From copy in Ms. *Vt. State Papers*, Vol. 24, p. 51.

<sup>2</sup> From the original, in Ms. *Vermont State Papers*, Vol. 24, p. 53.

A part of the Settlers Possessed the Land as an old french Seignory the other part as a grant under the authority of the State of Vermont. the former Settlers finding their Title Involved and wishing to avail themselves of a Title under Vermont in order to secure to themselves the reward of their toils Assembled with the other Inhabitation and Early in the month of June organized as a Town agreeably to the Laws of this State and took the Necessary oaths to Intitle themselves to the privileges of freemen and Citizenship within this State and are (a few only excepted) Solicitous not only to be protected but Governed by the Laws of this & the united States

at the Last Session of the legislature in this State Two Justises were appointed resident at Alburgh who ware soon after sworn into office. previous to their appointment the Inhabitation had not been the Subjects of any civil Government but the place had been too much a rendezvous for outlaws and fugitives from justice as their views are now meritorious it is to be hoped that every attempt to defeat them will meet its deserved recompence

I have the Honor to be your Excellency's very ob<sup>t</sup> Sarv<sup>t</sup>

T. C.<sup>1</sup>

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*Thomas Jefferson to Gov. Chittenden.*

PHILADELPHIA, July 9<sup>th</sup>. 1792.

Sir, I have the honor to enclose you sundry papers communicated to me by the British Minister residing here, which have been duly laid before the President of the United States, and further to solicit from your Excellency information as to the facts therein stated, and while I am authorized to assure you that the government is proceeding sincerely and steadily to obtain by the way of negotiation a relinquishment of our territory held by the British, I am at the same time to press that no measures be permitted in your state, which, by changing the present state of things in districts where the British have hitherto exercised jurisdiction, might disturb the peaceable and friendly discussion now in hand, and retard, if not defeat, an ultimate arrangement.

I have the honor to be with perfect respect and esteem, Your Excellency's most obedient & most humble servant,

TH: JEFFERSON.

*His Excellency the Governor of Vermont.*

[PAPERS INCLOSED.]

PHILADELPHIA 5<sup>th</sup> July 1792.

Sir, I have the honor of submitting to your consideration copies of certain papers, which I have received from Canada. They contain information that some persons, acting under the authority of the State of Vermont, have attempted to exercise legal jurisdiction within districts now occupied by the King's troops, and have committed acts of violence on the persons and property of British subjects residing under the protection of his Majesty's Garrisons.

At this period, when the grounds of the subsisting differences between our respective countries are become the subjects of serious and temperate discussion, I cannot but entertain the strongest confidence that the general government of the United States will entirely disapprove of the violent conduct observed by the State of Vermont upon this occasion,

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<sup>1</sup>From a copy, evidently made in haste, in *Ms. Vt. State Papers*, Vol. 24, p. 56.



and will in consequence thereof adopt such measures as may be best calculated to prevent a repetition of it in future.

I have the honor to be, with Sentiments of the most perfect consideration, Sir, Your most obedient humble servant

(signed) GEO. HAMMOND.

Mr. Jefferson.

(Copy) Pursuant to express orders from his Excellency the Governor of the State of Vermont to us directed, These are to warn all the Inhabitants of the town of Allburgh qualified as the law directs to vote for town officers, to meet at the house of Michael Honsingers on the 7<sup>th</sup> day of June next at 10 O Clock in the morning for the following purposes.

1<sup>st</sup>. To chuse a moderator to regulate said meeting.

2<sup>nd</sup>. To chuse such civil officers as the law directs in the State.

And to do any other Business that may be found necessary to be done on said day.

Given under our hands at Alburgh this 16<sup>th</sup> day of May 1792.

(signed) SAMUEL MOTT } *Justices*  
BENJA. MARVIN } *of Peace.*<sup>1</sup>

(Copy)

State of Vermont.

To the Sheriff of Chittenden County or either of his Deputies—Greeting.

Whereas by the complaint of Samuel Hitchcock Esquire Attorney General of the State, we are given to understand that Patrick Conroy of Alburgh in the County of Chittenden hath for some time past used and exercised the office of Justice of the Peace at Alburgh in the County aforesaid without any legal warrant, lawful authority or right whatsoever, and hath claimed and still doth claim without any legal warrant, lawful authority or right whatsoever, to be a Justice of the Peace at Alburgh aforesaid and to use and exercise the said office of Justice without any legal warrant, lawful authority or right whatsoever, but the same hath usurped and still doth usurp to wit, at Alburgh aforesaid, in contempt of the States [State] and to the prejudice of the Dignity of the same. Therefore by the authority of the State of Vermont you are hereby required to make known to the said Patrick that he appear before the next Supreme Court to be holden at Burlington in and for the County of Chittenden on the fourth Tuesday of August next, to shew cause, if any he have, why an information should not be filed against him the said Patrick for thus as it is said illegally exercising the said office of Justice of the Peace within said County, to wit, at Alburgh aforesaid. Hereof fail not and make due return. Dated at Burlington this fifteenth day of May one thousand seven hundred and ninety two.

(signed) ELIJAH PAINE, Judge of Sup Court.

Alburgh, May 26<sup>th</sup> 1792. The within is a true copy of the original writ.  
attest STEPHEN PEARL Sheriff<sup>2</sup>

(Copy)

*Extract from the declaration of Minard Yeomans.*

Minard Yeomans declares, that on the 8<sup>th</sup> of June in the morning Eneus [Enos] Wood stiling himself Deputy Sheriff and Constable of the State of Vermont, with three other men, came up to the house of Mr. Conroy at Caldwell's Manor, and asked if he was at home. He was

<sup>1</sup> For Jefferson's letter, and the papers enclosed, see *Ms. Vt. State Papers*, Vol. 24, pp. 54 and 47.

<sup>2</sup> *Ms. Vermont State Papers*, Vol. 38, p. 165.

answered no—that he was gone with Judge Dunn to Missisquoi Bay—He then asked for M<sup>rs</sup>. Conroy, and was told that she was in Bed. The Deputy Sheriff then told Minard Yeomans that he would seize on the Cattle—He was answered that if he did, he must abide by the consequences. On which the Sheriff seized on Minard Yeomans by force, and said they would tie him, on which he made resistance, in the act of which his coat was tore.

Minard Yeomans farther says that he told them, that if they took those violent measures, he should not be able to get security for the Cattle, which they demanded, on which they desisted. After this he went to captain Savage, and gave information of what had passed, who immediately told him to send two men in a canoe over to Point au fer to acquaint Captain Dechambault with these proceedings. Captain Savage in the meantime sent a party of men to the end of the Manor, who overtook the Sheriff and his three men, and brought them back together with eight head of Cattle out of the Ten which they carried off. Two of the Cattle escaped by being ferried over to Grand Isle, before the Party came up.

(Signed) MINARD YEOMANS.

St Johns 9<sup>th</sup>. June 1792.

Witness (Signed) W<sup>LM</sup>. WARBURTON Adj<sup>t</sup> 1<sup>st</sup> Batt. 60<sup>th</sup> Reg<sup>t</sup> 1

*Thomas Jefferson to Gov. Chittenden.*

PHILADELPHIA July 12, 1792.

Sir, I had the honor of inclosing to you on the 9<sup>th</sup>. instant copies of some papers I had received from the British minister here, and I have now that of forwarding some received from him this day. I must renew my entreaties to your Excellency that no innovation in the state of things may be attempted for the present. it is but lately that an opportunity has been afforded of pressing on Gr. Britain our rights in the quarter of the posts, and it would be truly unfortunate if any premature measures on the part of your state should furnish a pretext for suspending the negotiations on this subject. I rely therefore that you will see the interest even of your own state in leaving to the general government the measures for recovering it's rights, and the rather as the events to which they might lead are interesting to every state in the highest degree. I have the honor to be with sentiments of perfect respect Your Excellency's Most obed<sup>t</sup> & most humble ser<sup>t</sup>

TH: JEFFERSON.

*The Governor of Vermont.*

[PAPERS ENCLOSED.]

(Copy)

WILLYSTON [Williston\*] 16<sup>th</sup>. May 1792.

The Constitution and laws of this State require the executive Officers of Government to carry into effect the laws and Government of the same.

It is therefore incumbent on you as civil magistrates to execute your functions and cause Town officers to be appointed and sworn to a faithful discharge of their duty; it is incumbent also on the people to assist

\* Ms. *Vt. State Papers*, Vol. 38, p. 179. It is supposed that this and the preceding paper were among those inclosed in Mr. Jefferson's letter of July 9 1792.

\* It is probable Gov. Chittenden wrote "Willyston." The editor has seen it written thus, or *Wylliston*, which was the true name, as the town was named for Gen. Samuel Wylls, of Hartford, Conn.

you to form such regulations in the town of Alburg which is now unquestionably established within the bounds of this and of the United States of America, and under the Government thereof.

In case there are any of the Inhabitants of said town that have sworn allegiance to the King and Government of Great Britain, such obligations cease with the Government and can be no obligation [objection] to a submission to the laws of this and the United States.

Would those people chuse to be under the British government, they must move within its limits, otherwise they ought to submit to the government of the State in which they live.

Your humble servant.

(signed)

THOS. CHITTENDEN.

N B. If your people refuse to pay attention to the above requisition I cannot think it will be long before this government will call on them in a different way to submit to the laws thereof. Should they be put to the necessity of taking so disagreeable a measure, I should not think strange should they be obliged to pay up all the back taxes, since you were represented, as some towns in this State in like circumstances have done.<sup>1</sup>

(signed)

T. C.

Messrs. Mervin [Marvin] and Mott Esqrs. and People of the Township of Alburg.

(Copy)

Chittenden County } To the Sheriff of Chittenden County, his Deputy  
State of Vermont } or either of the Constables of Alburg, Greeting:

By the authority of the State of Vermont you are hereby required to attach the goods chattels or estate of Patrick Conroy and Minard Yeomans or either of their Goods Chattels or estates both of Alburgh in Chittenden County to the value of fifty pounds lawful money and them or either of them notify according to law and for want thereof to take their bodies or either Bodies if to be found within your precincts and them or either of them safely keep so that you have them or either of them before our Judges at Burlington at the next County court to be held for the said County of Chittenden on the last Tuesday of September next save one then and there to answer unto Joseph Mott Junr of Alburg aforesaid in an action of trespass committed in destroying of timber cutting carrying off destroying fences and buildings and sundry more trespasses committed to the said Joseph Mott Junr possession or improvement to the damage of the plaintiff as he says fifty pounds lawful money for the recovery whereof with just costs the Plaintiff brings this Suit. hereof fail not but of this writ and your doings herein make due return according to law. Dated the 11<sup>th</sup>. day of June Anno Domini 1792.

(signed)

SAMUEL MOTT Justice of the Peace.

A true Copy JOSEPH MOTT Junr Constable—one Grey horse his improvements his square oak timber that lays upon his Premises the property of Patrick Conroy and Minard Youmans attached.

June the 12. A. D. 1792.<sup>2</sup>

<sup>1</sup>Alburgh was represented in the General Assembly of Vermont in 1786 and 1788.

<sup>2</sup>Jefferson's second letter and the foregoing papers enclosed are in *Ms. Vt. State Papers*, Vol. 24, p. 55. The penmanship of the papers copied is the most distinct and beautiful to be found in the Vermont State Papers. It was the work of a clerk of Mr. Jefferson.

*Affidavits referred to by Gov. Chittenden.<sup>1</sup>*

Enos Wood of the North Hero in the County of Chittenden and State of Vermont, Deputy Sheriff under Col<sup>l</sup> Stephen Pearl High Sheriff of the County of Chittenden, being of Lawful age testifieth and saith that he had a writ of Attachment in favor of Widow Grant Wife of the late Maj<sup>r</sup> Grant of New York an Officer belonging to the Loyalist Volunteers ag<sup>t</sup> Patrick Conroy of Alburgh in the County and State a<sup>nd</sup> which Writ was delivered to him as Deputy Sheriff to be served. That on the eighth day of June 1792 he proceeded to the house of the said Conroy and not finding him at home and being fearful of the said Conroy's conveying his property out of his reach, he levied the s<sup>d</sup> Writ on personal property supposed to be the property of the said Conroy, to wit, three Oxen three Cows one Bull two calves and one Year old Heiffer besides a horse which he afterwards released finding it not to be the property of the s<sup>d</sup> Conroy—This deponent further saith that one Michael Youmands was then present at the house of the said Conroy and calling to the people of the house for his pistols swore that he this deponent should not take the s<sup>d</sup> Cattle from M<sup>r</sup> Conroy, whereupon he ordered Benjamin Butler of North Hero & Nathaniel Wood of Georgia who were then present to take charge of the s<sup>d</sup> Michael and conduct him to the water side and Cap<sup>t</sup> Hutchins of the North Hero being present was ordered likewise to assist in driving the Cattle as far as the west side of the place called the Tongue or Alburgh, but before this Michael Youmands was released upon promising to be humble and not to hinder him this deponent from doing his duty and likewise engaging to procure some person to Receipt the Cattle—This Deponent further saith that when they had arrived to the place abovementioned they were overtaken by the said Michael Youmands attended by a party of British Officers & Soldiers under the Command of Captain De Chambeault of Point au Fair—that those Officers & Soldiers were under Arms—that he saw one of the above party present a Couple of Pistils to the s<sup>d</sup> Benjamin Butler and heard him threaten him, but what he said, he did not recollect.—This Deponent saith that the Lieut under Cap<sup>t</sup> De Chambeault came up to him and presented a Firelock to him commanding him to desist from driving away the s<sup>d</sup> Cattle and said he would fire him through should he move one step—That he was then taken by the s<sup>d</sup> Lieut and his party to Point au fair, and Benjamin Butler & Nathaniel Wood were taken & carried with him—That they were then carried from Point au fair to St<sup>l</sup> Johns by a British escort and there imprisoned in the Gard-house for nearly two days before they could be released—And further this deponent saith that in order to obtain his liberty he was oblid<sup>d</sup> while at St<sup>l</sup> Johns to procure M<sup>r</sup> John Furguson to be obligated to pay in his behalf the sum of three pounds Hallifax Currency it being on account of the two Calves which he had taken by virtue of the a<sup>nd</sup> Attachment—or pay the value thereof when ascertained by two Indifferent persons—This deponent further saith that the s<sup>d</sup> Cap<sup>t</sup> Hutchins was not carried to Point au Fair but was released after being detained by the British for about an hour they saying he had not been instrumental in assisting this deponent in the execution of his office & further this Deponent saith that at Alburgh aforesaid while a Prisoner the aforesaid Lieut. did after Questioning by what Authority I took the aforesaid Cattle on shewing the Writ of Attachment by which I had been juided Detain the same although I requested the same to be re delivered and farther the Deponent saith not.

ENOS WOOD.

<sup>1</sup> *Ms. Vermont State Papers*, Vol. 38, pp. 48, 49, 180, 182-186.

Chittenden ss } Personally appeared Enos Wood Sign'r to the foregoing  
 Burlington } Deposition and made solemn Oath to the truth of the  
 June 15<sup>th</sup> 1792 } same JOHN LAW *Jus. Peace*

I Nathan Hutchins jun<sup>r</sup> of the North Hero County of Chittenden & State of Vermont of Lawful Age testify and say that on the Eight day of this presen june being at Alburgh County & State aforesaid was cald on by M<sup>r</sup>. Enos Wood one of the Deputies of Stephen Pearl High Sheriff of Chittenden County aforesaid to Assist him in the Execution of his office and accordingly with him repaired to the house of Patrick Conroy of the aforesaid Alburgh against Whom he then held a writ of Attachment which he levied on the aforesaid Patricks property as I supposed and doubt not from our Information Viz: three oxen three Cows one Bull one Heifer Two Calves likewise A Horse which afterwards Released finding It Not to be the property of the Said Conroy this Deponent further says that one Michal yeomonds was then present at the House of the said Conroy and Calling to the people of the House for his Pistols Swore that the said Sheriff Should Not Take the Cattle away from M<sup>r</sup>. Conroy Whereupon he ordered Benjamin Butler of North Hero and Nathaniel Wood of georgia who were then present to take Charge of the said Michal And Conduct him to the waterside and likewise to Assist him in Driving said Cattle Said Deponent was ordered likewise to Assist In Driving said Cattle To the North Hero that they had proceeded with the Cattle as far as the west side of the place Called the Tongue or Alburgh but before this said Michal yeomonds was Released upon his promising to be Humble and Not Hinder him the said Sheriff from Driving the Cattle and Doing his Duty and likewise Engaging to procure some person to Receipt the Cattle This Deponent further Says when They had Arived to place above Mentioned they were overtaken By the Said Michal yeomonds Attended By A Party of British Officers and Soldiers under the Command of Capt Du Shambeault of Point aux fair—that those officers and Soldiers were under arms—That He Saw one of the above party Present a Couple of Pistols to the Said Benjamin Butler and heard him threaten Him This Deponent further says that the lieutenant under Capt D Shambeault Came up to The Said Sherriff and Presented a firelock At him Com-manded him To Desist from Driving away the Cattle and Said he would fire him Through Should he move one Step and likewise there was one of the Party Came up to this Deponent and Pointed his gun att him and ordered him Down the Bank he answered that he Should Not Move at that they Made him a prisoner with the Said Sheriff Nathaniel Wood and Butler and Proceeded on there way About half amile to one Harveys where the [they] Made a Stop Towards An hour this Deponent further Sayth that the Afore Said lieut Did question Sd Sherriff By what authority He Took the afore Said Cattle on shewing the writ of attachment Took It out of his hand and Detained the Same from him tho De-manded This Deponent further Says that after being examined was Released And further the Deponent Sayth Not

NATHAN HUTCHINS Jun  
 State of Vermont } Personally Appeared Nath. Hutchins Jun<sup>r</sup>  
 County of Chittenden } Signer to the foregoing Deposition and made  
 june 16<sup>th</sup> 1792 } solemn Oath that the same is the truth the whole  
 Truth & nothing but the Truth before Me JOHN LAW *Jus. Peace*

I Benjamin Butler of North Hero in the County of Chittenden and State of Vermont being of Lawful age do Testify & say That on the seventh day of June 1792 I went to Alburgh in the [said] County & State in company with Enos Wood of North Hero at<sup>d</sup> Deputy Sheriff under Col<sup>l</sup> Stephen

Pearle Esq<sup>r</sup> High Sheriff of the County of Chittenden for the purpose of Attending a Town Meeting then & there to be holden—That the s<sup>d</sup> Wood told me he had a Writ of Attachment to serve upon One Patrick Conroy of Alburgh a<sup>th</sup> and was apprehensive he should be obstructed in the execution of his office and wished me to go with him to the house of him the s<sup>d</sup> Conroy which accordingly I did on the day following—The Deponent further saith that the s<sup>d</sup> Wood proceeded to serve the s<sup>d</sup> Writ of Attachment and levied the same upon a Number of Cattle to wit three Oxen three Cows one bull one heifer two calves & one horse supposed to be the property of the s<sup>d</sup> Conroy, they being about his house—that after the s<sup>d</sup> service by the s<sup>d</sup> Wood, One Michael Youmin who was there at the house of the s<sup>d</sup> Conroy called to the people of the house for his Pistils and said Mr Wood should not take the s<sup>d</sup> Cattle away from M<sup>r</sup> Conroy, upon which M<sup>r</sup> Wood commanded Nathaniel Wood of Georgia & this deponent who were then present to aid & assist him in taking the s<sup>d</sup> Michael & in driving the s<sup>d</sup> Cattle to the North Hero aforesaid That afterwards the s<sup>d</sup> Michael being very humble promising not to hinder the s<sup>d</sup> Wood from doing his duty but engaging to procure some person to give a receipt for the s<sup>d</sup> Cattle was released by the s<sup>d</sup> Wood—the Deponent further saith that no receipt being given the s<sup>d</sup> Enos [Wood] together with Capt Nathan Hutchins Jun<sup>r</sup> the s<sup>d</sup> Nathaniel & himself proceeded to drive the s<sup>d</sup> Cattle off and had got as far as the West part of the Tongue [Alburgh] when they were overtaken by the said Michael accompanied by a Number of British officers & soldiers under Arms one of whom immediately presented to the breast of this deponent a Couple of Pistils & ordered him not to proceed one step or if he did he should fire him through—that he see one other of the above officers or soldiers present a firelock to the breast of the s<sup>d</sup> Enos and commanded him to desist from driving those cattle away or he would Kill him—that those British officers & soldiers then took from them their cattle and took & imprisoned the s<sup>d</sup> Nathaniel the s<sup>d</sup> Enos & the deponent and carried them to Point au fair & after that to St Johns where they were confined in the Gard house for nearly two days and then released & further your deponent saith not.

BENJAMIN BUTLER.

North Hero June the 14<sup>th</sup> 1792

Personally appeared Benjamin Butler the signer of the above deposition and swore that the matters by him in the above related are the truth the whole truth and nothing but the truth.

BENJ<sup>N</sup> MARVIN Justice.

I Benjamin Marvin of Alburgh in the State of Vermont of Lawfull Age testify and say that on the 12<sup>th</sup> day of this present Month at my own house in said Alburgh employed in my own personal & private business, was beset by an Armed British force from Point au Fair conducted by one Patrick Conroy of Alburgh aforesaid, who Questioned me with regard to my conduct as a Civil Magistrate under the Appointment of the State of Vermont (which I had the honor to hold) Viz: Whether I had Issued any precept against him. Answer No. Whether I had against any other person Answer yes that day and for that that I had his Excellency Gov<sup>r</sup> Chittendens Instructions to Officiate in that Office that I considered myself an Inhabitant of the State of Vermont and in Duty bound to follow the Steps & Duties of my Office.

The aforesaid Conroy then immediately ordered me into the custody of the aforesaid force which was accordingly done, and after some importunity was permitted to remain long enough to shift my Dress, and then conducted to the house of Sam<sup>l</sup> Mott Esq<sup>r</sup> of Alburgh aforesaid which was a Mile or there about from my house, on my arrival at Motts found

Cap<sup>a</sup> Des Chambault Commanding Officer of the aforesaid Point au Fair, who received me with Civility & Politeness although as a prisoner and inform'd that he should take me to Point au Fair & from thence should send me to Quebeck after which we all proceeded on toward the aforesaid Patrick Conroys near which were their Boats in which they came, on the road before we came to Conroys Lived one Joseph Mott who had been appointed by the Authority of the State of Vermont as Constable, was Legally Qualified and had Officiated under that appointment, at a little distance from which heard the aforesaid Conroy observe to the commanding officer that it might be proper to attend to the matter they had before convers'd on. accordingly they made a halt and sent on three of his Men under arms with directions to take two horses which were the property of the aforesaid Constable out of his Pasture which was accordingly done and the horses taken to Point Au Fair, soon after arrived at Conroys where I was detained some hours in the course of which time we conversed much on my Official Conduct which I inform'd him of very particularly and likewise my Instructions from his Excellency Gov<sup>r</sup> Chittenden, he requested that I would shew him those Instructions which I accordingly did, he took and examined them then replied that he must forward them to his Excellency Gov<sup>r</sup> Clark at Quebeck. I desired him to return them to me as I considered them my right but he positively refused but offered me a Coppy which was taken & Attested as a true one by the commanding Officer and delivered me the Officer then informed me that Instead of taking me to the Point as before observ'd he was willing to take my Parole for the term of 12 days with directions not to Officiate till then in my Office which was accordingly done and I permitted to return to my own house and he then told me that he had positive Orders to warn me & Sam<sup>l</sup> Mott Esq<sup>r</sup> to leave that Place in the course of two Months—The Day following having occasion to go up the Lake cal'd on the Commanding Officer at Point Au Fair (which I considered myself under obligation to do in consequence of my Parole) notified him of my wish which he consented to, and then Shew'd me his orders directing him to oppose & take into Custody any Officer Acting under any other Power than that of Great Briton within those Limits which are now known & distinguished by the Name of Alburgh.

Question put to the Deponent—Who were those Orders to the Cap<sup>a</sup> from Answer, as he told me from his Col: And farther the Deponent saith not. BENJ<sup>N</sup> MARVIN.

State of Vermont County of Chittenden June 15<sup>th</sup> 1792—

Personally appeared Benjamin Marvin Sign<sup>r</sup> to the foregoing Deposition and made Solemn Oath that the relation there is the Truth the whole Truth & nothing but the Truth before me;

JOHN LAW Jus. Peace

Captain Timothy Allen of South Hero in Chittenden County of Lawful age Testifies & says that on the 12<sup>th</sup> day of June instant he being on his way down the lake in a boat in company with a Number of Others was hailed by the Maria,<sup>1</sup> examined & permitted to pass on; that he called at Wind Mill point—and from thence an express was sent, for Esq<sup>r</sup> Samuel Mott & Esq<sup>r</sup> Benj<sup>a</sup> Marvin of Alburgh to come to the point afores<sup>d</sup>—that the express returned & told them at the point that he found the house of Esq<sup>r</sup> Mott surrounded by a Strong guard of British Troops, & that he was informed a British guard had gone after Esq<sup>r</sup> Marvin—All which Esq<sup>r</sup> Mott & Esq<sup>r</sup> Marvin a little afterwards affirmed to them

<sup>1</sup>The British armed vessel.

on the point—And Esq<sup>r</sup>. Marvin further said that he was a prisoner and at liberty upon parol—That he (this deponent) being on his return up the lake was hailed by the Maria, examined and permitted to pass—that he called at point Afaire and was conducted by a Corporal to Captain De Chambault's Room—That the Captain observed to him & Company that he wished them to acquaint his Excellency the Governor of Vermont & Other Gentlemen that being a british Officer he had positive Orders to protect the people within these posts, meaning Point a fair & Alburgh, and that if he could not do it by pacific means, he must do it with the force of arms—That this deponent, on his departure from point a fair, was hailed again by the Maria, bro't back, and after examination had, permitted to pass on—and farther the deponent saith not—Burlington June 15<sup>th</sup> 1792

TIMO. ALLEN

State of Vermont }

Burlington June 15<sup>th</sup> 1792

Chittenden ss— }

Personally appeared Cap<sup>t</sup> Timothy Allen signer of the within affidavit and made solemn oath the same is the truth the whole truth and nothing but the truth—before

EBEN<sup>r</sup> MARVIN Councillor

Major Jacob Smith of South Hero also deposed in all particulars to the facts stated by Capt. Allen.

The deposition of [Rev.] Reuben Garlick of Alburg of Lawfull age Tistify & say that the Writs for the Election of a Member in the County of Bedford in Lore Canaday for a member to their Legislature were sent to the Province Line & I have been informed the Person that Brought them was directed not to summons any Person south of the Province Line nor have I heard of any Persons being summonsed in Alburg The Deponent further saith that the Laws of Vermont are in fourse in Alburg and the sivel officers of Government have met with no oposition from any Person under Pretext of British Government since the Departure of Partrick Conroy & John Savage in June last.

REUBEN GARLICK

County of } ss.  
Chittenden }Swanton July 31<sup>st</sup> 1792.

Personally Appeared the Reverend M<sup>r</sup>. Reuben Garlick & made solum Oath to the Truth of the above Deposition.

THO<sup>s</sup>. BUTTERFIELD Jus<sup>t</sup>. Peace.

I Benjamin Marvin of lawfull age testify and say that in the month of June 1787 I went to live at albergh otherwise then Called Caldwell's Manor about five miles from the Garison at point au fair & South of the line commonly called the province line or latitude 45 about three miles at which place I have ever since lived at which time there was no kind of civil or military government exercised among the people of the place except what was derived from ourselves by rules adopted by us in meetings of our own vicinity by which we banished theives and other criminal offenders and enforced by other rules compliance to awards of arbitrators in civil disputes and when persons were banished from the province of Canada and were brought to the line and Suffered to come into our vicinity we drove them from us Some years had elapsed from the Settlement of the place when M<sup>r</sup>. Caldwell came amongst us and Gave militia commissions to captains conroy & Savage and Subalterns for two militia companies in that place now called Albergh with a promise that the british civil government should be put in force among us and we protected as british Subjects; and patrick Conroy who then lived north of the line of latitude 45 and was in Commission of a Justice of the peace in canada not long after moved South of the line amongst us



and issued some few precepts and took some affidavits but if a trial was had before him he went north of the line afores<sup>d</sup> to hold his courts but the inhabitants still kept up their old mode of government as derived from our own resolves as abovesaid without regard to m<sup>r</sup> Conroy til we volluntarily organized and choose our officers by order of the Governor and under the laws of the State of Vermont: and the militia officers above named never did act under the authority of their commissions except in one instance Viz in february or march in the year 1791 Captain conroy ordered his company to meet together South of the line and in consequence of his orders issued for that purpose they in part conven<sup>d</sup> and I think about one third part of them embodied by his order when some matters took place which occasioned Cap<sup>t</sup> Conroy to Step into a Sleigh and ride off north of the line without dismissing his company or giving them any orders at which time Some of our people advertised him as a runaway from his company and offered as a reward for his return one peck of potatoes and no other orders or after orders under the british government has been heard of amongst us except the taking of our persons and property by the british forces at point aufair in June last past—and I the deponent further say that in my opinion the nearest part of land in Albergh is about two miles and one half from the garison at point au fair and the deponent saith that Civil government under Vermont is now executed without any resistance and also that the late writs for warning the people in the county of bedford north of the line and adjoining Albergh were not Served in Albergh nor any of the people in albergh was ever warned to attend their Elections that I ever heard of and further this deponent Saith not— BENJ<sup>N</sup> MARVIN.

State of Vermont } october 18<sup>th</sup> day 1792 Benjamin Marvin the above  
 Rutland ss } named deponent personally appeared and made  
 Solemn oath that the foregoing deposition by him Signed is the truth  
 the whole truth and nothing but the truth—before me

EBEN<sup>R</sup> MARVIN Councillor

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REPORT OF THE COMMITTEE OF THE GENERAL ASSEMBLY ON THE  
 FOREGOING PAPERS.<sup>1</sup>

The Committee to whom were referred the communications of his Excellency the Governor, respecting the Disturbances at Alburgh, in June last, beg leave to state the following facts, to wit,

That Alburgh is a tongue of land connected with the eastern shore of Lake-Champlain, and lies on the south side of this and the United States. The British had, at the time of the late peace, and still have a post at point *Au-Fer*, on the western side of Lake-Champlain, some miles south of the line of the United States. The nearest distance from this post to Alburgh, is two miles and one quarter; and the greatest distance is from ten to twelve miles. The British have another post at a place called Dutchman's-Point, on Grand Isle [North Hero.] about half a mile south of Alburgh. The garrison at point *Au-Fer*, have never prevented the civil officers of the State of New-York from exercising their offices, but have uniformly declared, that they had nothing to do with the inhabitants, except within three hundred yards of the garrison. The garrison at Dutchman's-Point have never interfered, in any way, with the inhabitants, or done anything beside keeping their own centries. The people of Alburgh, from the first settlement of the place, until June last, have been without the exercise of any govern-

<sup>1</sup> From the printed *Assembly Journal*, Oct. 29 1792, pp. 39, 40.

ment, either civil or military—when they met in town-meeting, and organized themselves, and chose town-officers under the authority and laws of Vermont; when the inhabitants of the town generally took the freeman's oath, and the officers took the oath of allegiance, and government has since been regularly administered, except in the instance mentioned in the communications of his Excellency, on the eighth day of June last—and from that time until the twelfth day of the same June, the British officers of the garrison at point Au-Fer, interrupted the officers of this State, in the execution of their offices, by imprisoning them, taking from them property which they had taken by virtue of writs issued by the authority of this State, and taking their writs from them, as stated in the several *affidavits* communicated by his Excellency the Governor.

Wherefore we beg leave to report, as our opinion, That his Excellency the Governor of this State, in his communications with his Excellency Governor Clarke, and with the President of the United States of America, has conducted with that degree of spirit and propriety which ought to mark the conduct of the Chief Magistrate of a free and independent State. It further appears to us, that the letters written by Mr. Jefferson, to his Excellency the Governor of this State, must have been founded on a *mistaking* of facts, which must have been received from Canada.

Wherefore it is our opinion, that the Legislature recommend to his Excellency the Governor of this State, to procure affidavits sufficient to prove that Alburgh is not occupied by the British troops, nor under their protection, and send them to the President of the United States, to evince [to or convince] him that the Government of Vermont have not wantonly attempted to disturb the peace of the union, or to interrupt any negotiation between the United States and any other power—All which is humbly submitted.

Signed,

EEENEZER MARVIN, for Committee.

October 20, 1792.

The above report was read, accepted, and, *Ordered*, To be entered, at large, on the Journals.

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#### VERMONT CHARGED WITH ENDANGERING THE PEACE OF GREAT BRITAIN AND THE UNITED STATES IN 1794.

The British posts in the United States were steadily maintained, to the annoyance of our government and people, but the discussion between the U. S. Secretary of State and the British minister was temperate until 1794. In Vermont, the *statu quo* was maintained on both sides without any serious difficulty until the same year; the British troops holding their posts, and Alburgh going on peaceably as an organized Vermont town. But the two nations were drifting rapidly to a dangerous point. On the 10th of February 1794, Lord Dorchester, then Governor General of Canada, publicly declared that he would not be surprised if there should be war with the United States in the course of that year; and the movements of British troops in Canada and events in the United States both favored this opinion. On the 16th of April, in a message to the Senate nominating John Jay as envoy extraordinary to Great Britain, President Washington said the aspect of affairs was serious, and that such a mission, "while it corresponds with the solemn

nity of the occasion, will announce to the world a solicitude for a friendly adjustment of our complaints, and a reluctance to hostility." On the 9th of May of that year Congress authorized the President to detach eighty thousand troops from the militia for service in any emergency, and orders therefor were at once issued by the President. Such being the aspect of affairs, it is not surprising that the British on the border were more than usually insolent—their chief had encouraged that; and it is creditable to Vermont that neither its governor nor people gave any provocation for it, but patiently awaited the action of the national authorities. The records of that period, both official and unofficial, prove that the people of Vermont had good cause for both alarm and complaint, and it is not to be doubted that they would have driven out the British by force, had they not respected the advice and policy of President Washington.<sup>1</sup> The following extracts are in point:

By a gentleman from the northward we are informed, that boats, &c. trading from the United States to Canada, are detained and the men insolently refused permission to return. "Pride goeth before destruction, and a haughty spirit before a fall."—*Vermont Gazette* of May 2 1794.

By gentleman from St. John's we are informed that the British have just completed a brig at that place, mounting 12 guns; the brig is every way completed and well manned, and is now stationed at Point-a-Fair, on Lake Champlain. Our informant adds that a very large row [row] galley is now building at St. John's; and that the garrison at Montreal was immediately to be strengthened by the addition of a regiment of his Majesty's troops from Quebec.—*Farmer's Library*, Rutland, May 27 1794.

These vessels of war were of course in addition to the schooner *Maria*, which had long been stationed in Windmill bay.

The Newyork Herald of June 16th mentions a report that the British in Canada, fearing an attack from the Americans, had ordered a body of troops from Quebec to Montreal, destined for some part of the frontiers.—*Vermont Gazette* of June 20 1794.

LANSINGBURGH, June 10 [1794.]

We have just been informed by a gentleman who left Montreal on the 29th ult. that great preparations were making under the pretence of defending the Canadians from being plundered by the Vermontees, which they have been led to believe, from reports industriously circulated, no doubt for the purpose of calling out the militia, and uniting the Canadi-

<sup>1</sup>In response to the requisition of President Washington, under the act of Congress of May 9 1794, Gov. Chittenden, on the 21st of June, ordered the detachment of three regiments of Vermont militia, numbering two thousand one hundred and twenty-nine men in all, to be held in readiness as minute men. Of these Maj. Gen. Ira Allen's division was to furnish one regiment. On the 30th May preceding, Gen. Allen had ordered the militia of Alburgh and the neighboring islands, now constituting the county of Grand Isle, to be organized as an entire regiment, which of course surrounded the British garrison on North Hero. It is quite probable that he then expected war on the frontier, but no collision of troops occurred.—See *Appendix F*.

ans against the states. The forts are putting in a state of defence, & many boats are building, and one of 70 oars was launched last week, alledged to be for carrying provisions. No account of Colonel Simcoe having taken a new position when he left that place. Ten thousand troops were expected to arrive from Europe, as provisions were so cheap, that soldiers could subsist much more comfortable than in England, and be ready for an expedition at any moment. Lord Dorchester was daily looked for from Quebec, to review the troops, militia, forts, &c. &c.—*The Farmers' Library*, Rutland, of July 1 1794.

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*Royal Corbin to Gov. Chittenden.*<sup>1</sup>

ALBURGH 18<sup>th</sup> May [Aug.] 1794—

May it please your Excellency;—The Repeated injuries & insults this vicinity has suffered from the British, while in a time of peace, and within y<sup>e</sup> Jurisdiction of this State, are so glaring, & so very frequent, as to rouse the indignation of every one who has the smallest tincture of Republican Blood, circulating in their veins.—The peculiar situation of my business, being in the merchantile line, & consequently having much necessary call to pass y<sup>e</sup> lake Champlain up & down, as well as across, subjects myself to daily abuses from an Armed Vessel—and my property to an unjustifiable seizure & Detention.—I am not suffered to pass Southward to Isle-la-Motte—because they alledge I am within their lines, & [must] apply to the Ship, for liberty. Neither am I allowed to pass to or from, St John's, altho' within their lines—So I am deprived of every advantage a citizen of every State ought to enjoy, as your Excellency will be pleased to observe.—I have submitted this imperfect Schetch of our affairs, to your inspection—as also some affidavits, respecting particular treatment on the 12<sup>th</sup> Inst.—I wish your Excellency's instructions and commands—and do myself the honor to inform, that nothing but true love to my Country should be sufficient to tempt me to invade your leisure. The more minute particulars as to my situation, the posts & ship—your Excellency can be Inform<sup>d</sup> [of] by Coll<sup>l</sup> Pearl & several other Gentlemen of Respectibility, at Burlington; who are perfectly acquainted therewith—and after your Excellency shall be fully acquainted with our situation and Insults—I have not the least dout of [or] Idea—but your Inst. attention will be drawn to our relief.—In the meantime I am D<sup>r</sup> Sir with the Utmost due Respect y<sup>r</sup> Obbed<sup>t</sup> & Very Humb<sup>l</sup> Serv<sup>t</sup>—

ROYAL CORBIN.

*Honourable His Excellency Thomas Chittenden—*

The affidavits referred to are as follows :

Samuel D. Searle of Lawfull Age testifys & says that on or about the 12<sup>th</sup> Inst He saw a Batteau coming from Windmill point, towards M<sup>r</sup> Corbin's in the Bay when the s<sup>d</sup> Boat had come from y<sup>e</sup> point a certain distance, he heard a firing of Cannon from the Ship, [the Maria,] & fort at point au fer, and soon after saw a Ship's Boat, mann'd out, and making to Corbins—But before y<sup>e</sup> Ship's Boat came on Shore—the Batteau had first arrived—With Two person's on Board—with near forty Bushels of Salt & a Puncheon of Rum, with some small matters besides—for the use of the hands—In a few minutes after the Arrival of this Boat, came

<sup>1</sup> From the original, in the *Ms. Vermont State Papers*, Vol. 24, p. 71. A memorandum on the back of the letter states that the date should have been August instead of May. The affidavits sent at the same time are dated August 18 and 21 1794.

the Ship's Boat, with an Armed force & demanded of M<sup>r</sup>. Royal Corbin to go on Boat & take it to the ship—This he positively refused & in the presence of this dep<sup>t</sup> & of a Number of other witnesses, peremptorily forbid them to meddle with the Boat—and that neither they nor their Master had business to take away the Boat from the Shore—which if they did do, they did it [at] their peril—They Asserted it was their orders—and Took the Boat & Cargo & towed it away from the shore towards the Ship.

Alburgh August 18<sup>th</sup>. 1794.

Attest

SAMUEL D. SEARLE

Personally Appear Samuel D. Searle Signer of the above Depos[iti]on and After being Cautioned to the truth Mad Solemn Oath that the above written Deposition by him Subscribed is the Truth and nothing but the truth—

Sworn to before me the 18<sup>th</sup> of August 1794

SAM<sup>l</sup>. MOTT *Justice of Peace*<sup>1</sup>

ALBURGH August y<sup>e</sup> 21st 1794.

I Roswell Mills of Lawfull Age Testifies and Saith that on or about y<sup>e</sup> 12 Instan I saw the boat that M<sup>r</sup>. Royal Corbin had coming from Windmill Point to M<sup>r</sup>. Corbins house in the Bay and the Ship fired and likewise the Garrison at Point afar the boat came to Shore Some time after the Ships Boat came with a number of men with fire arms and demanded the men that came in the boat [Corbin's] to go into the boat and roo it to the Ship the Men they could not get They took the boat with the cargo one punchen of Rum and about 40 Bushels of Salt and toed her to the Ship at the same time M<sup>r</sup>. Corbin forbidding them or their Captain Steal taking the boat by any means whatever as said boat was not attempting to pass the Ship for She had landed at her intended Port and they on board the Ship could not be ignorant of the Boats belonging in the Bay.

ROSSELL MILLS

Personally Appeard Roswell Mill Signer of the within written Deposition by him subscribed [and] after being Cautioned to the truth Made Solmn oath that the within written Deposition by him Subscribed is the Truth and nothing but the Truth Sworn to before me the 21<sup>st</sup> Day of August 1794—

SAM<sup>l</sup>. MOTT *Justice Peace*<sup>2</sup>

On the 10th of March, 1794, the British minister communicated to the Secretary of State a new complaint of outrages by Vermonters, based on statements made by Lord Dorchester. This letter is not printed in the *American State Papers*, and has not been found elsewhere; but in consequence of it, Gov. Chittenden was called upon for the facts, and in reply he made a conclusive answer, which will be given in its place. On the 19th of May President Washington issued his orders for detaching, arming, equipping and organizing eighty thousand militia. Being thus prepared for any emergency, the Secretary of State (Edmund Randolph,) on the next day, in spirited and peremptory terms, called upon the British minister to explain the belligerent speech of Lord Dorchester to a council of hostile Indians, and the then reported hostile movement of Lieut. Gov. Simcoe of Upper Canada, with British troops, to build a fort at the lower rapids of the Miami. Mr. Randolph gave a

<sup>1</sup> Ms. *Vt. State Papers* Vol. 38, p. 181.

<sup>2</sup> *Same*, Vol. 38, p. 178.

very brief extract from the speech of Lord Dorchester, and the speech itself is not printed in the American State Papers.<sup>1</sup> To Secretary Randolph's imperative call for explanations on the 20th of May, 1794, the British minister replied thus on the 22d :

*George Hammond to Edmund Randolph, May 22 1794.—Extracts.*

From the context of this whole passage [of Lord Dorchester's speech] it is manifest that Lord Dorchester was persuaded, that the aggression which might eventually lead to a state of hostility, had proceeded from the United States : and so far as the state of Vermont, *to which I presume his lordship principally alluded*, was implicated, I am convinced that that persuasion was not ill-founded. \* \* \* I assert with confidence that not only those encroachments have never been in any manner repressed, *but that recent infringements in that quarter, and on the territory in its vicinity, have been since committed.* \* \* \* In regard to your declaration that "governor Simcoe has gone to the foot of the rapids of the Miami, followed by three companies of a British regiment, in order to build a fort there"—I have no intelligence that such an event has actually occurred. \* \* \* Before I conclude this, I must be permitted to observe that *I have confined to the unrepressed and continued aggressions of the State of Vermont alone*, the persuasion of Lord Dorchester, that they were indicative of an existing hostile disposition in the United States against Great Britain, and might ultimately produce an actual state of war on their part.

Mr. Hammond then goes on to name other sources of disquietude on the seaboard, but not a word about the vast Indian territory, in reference to which Lord Dorchester's speech was specially made, and in accordance with which speech his lieutenant had already committed an act of war in the northwestern territory.<sup>2</sup>

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<sup>1</sup> For Randolph's letter, see *American State Papers*, octavo, second edition, Vol. 2, p. 60. For Lord Dorchester's belligerent speech to the Indians, see *Spoooner's Vermont Journal* of March 31 1794, and a supplement to the *Farmer's Library* [Rutland,] of March 26 1794.

<sup>2</sup> *American State Papers*, second edition, Vol. 2, pp. 58-63. In the spring of 1793, commissioners met representatives of the northwestern tribes of Indians at the foot of the Maumee rapids, to make a treaty. The Indians refused to agree to anything but the first treaty of Fort Stanwix, *which fixed the Ohio river as the boundary line*, and insisted that the United States should immediately remove all their citizens from the upper side of that river.—See Howe's *Historical Collections of the Great West*, Vol. 1, p. 169. Lord Dorchester's speech in 1794 was addressed to some of the representatives of the Indians who had been present at this council of 1793, above referred to, and he had ordered Simcoe to build a fort at the place where that council had been held, and it was done. Of course, if all the Indian territory formerly held by Great Britain was to remain under the charge of that government, it is obvious that the United States would have been badly shorn. In view of Lord Dorchester's conduct at this period, the fact that the Indians claimed a considerable portion of Vermont may have some significance.

Mr. Hammond did not state what the then "recent infringements" in Vermont were, of which he seems to have written in March; but Mr. Randolph called for the facts from Gov. Chittenden, whose reply is embraced substantially in the following extract from a letter of Randolph to Hammond, dated July 23 1794. It covers all the complaints of Mr. Hammond.

*Gov. Chittenden to Secretary Randolph—July 1794.<sup>1</sup>*

After acknowledging my letter to him enclosing yours of the 10th of March, he [Gov. Chittenden] proceeds thus:

"The letters you refer me to, written by your predecessor [Jefferson,] in consequence of complaints exhibited to him by the British minister, urging the prevention of all movements which might tend to disturb the harmony, subsisting between the United States and great Britain, I can with truth say, have been strictly adhered to by the government and the citizens of this state; in every requisition."

His next is an observation of pointed regret at these complaints: and he then goes on thus:

"Before the reception of the abovementioned letters, written by your predecessor, I had forwarded a particular statement with affidavits, relative to the complaints in said letters exhibited, directed to the President of the United States, to which I beg leave to refer you; by which statement and affidavits is most manifestly made to appear that British subjects had less cause of complaint than those of the United States. No just cause of complaint hath come to my knowledge, of any abuses done or committed by any citizens of this or the United States, to British subjects as such: or of any infringements being made on garrisons, territories, or jurisdictions, which British subjects have ever made any serious pretensions to in this quarter."

After a remark, relating to those who "pretend personal grievances," and a suspicion that the situation of the British garrisons is not generally understood at a distance, the remaining passages of his letter are the following:

"Therefore in order to understand the force of the complaints it is necessary to premise that the only British garrison now established within the limits of Vermont is a place called Dutchman's point, composed only of about twelve men, situated on the north end of the North Hero, twelve miles south of the latitude line. This garrison does not pretend to hold or keep jurisdiction over any land within this state other than a few acres on which their garrison is situated.—And indeed citizens of this state are settled quite in the neighborhood of said garrison, on every direction, and they are intimate with each other without any difficulty to my knowledge."

"That part of the tract called Caldwell's manor, which lies within the bounds of this state, hath long since been chartered as a town by the name of Alburgh—And the inhabitants thereof are incorporated as citizens, with all the privileges of other towns within this state and have long since been in the peaceable possession of the same. With regard to the recent instance of misdemeanor committed on the officer of the crown by the capture of a small party (said to be made) on [of] British subjects, in pursuit of a deserter before Dutchman's point as complained by Mr. Hammond—The circumstances which probably gave rise to the

<sup>1</sup> Randolph's letter is not in the printed *State Papers*. It is in the *Vermont Gazette* of Aug. 15, 22, and 29, 1794.

assertion are as follows, to wit: four armed men & in the common dress of the citizens of this state, appeared some time last winter in the town of Sheldon, alias Hungerford, within this state (a place about twenty miles distant from any place ever known or pretended to be claimed by British subjects) in disturbance of the peace—there made a violent assault upon the body of one John M'All, an inhabitant of that town, and then being in the peace of God and the state, in consequence whereof, in defence of the public peace, the said four men were taken into custody by a constable, and agreeable to the civil laws of this state convicted of breaking the peace, and accordingly fined.—It is said they were British subjects, which I am willing to admit—But that they had any authority as such from the British nation, to break the peace of this state within the known and acknowledged bounds of the same, did not appear from any credentials which they produced, nor does it yet appear.—But the contrary I believe to be true, therefore as persons under the common protection of this government, they have been holden to respond for their breach of that protection, according to the civil law.

“From the above statement it is conceived that Mr. Hammond’s complaint of the capture before Dutchman’s Point, is illfounded and unjust. Of this you may be assured, that every attention has been paid by me to prevent all the movements which may tend to thwart the friendly negotiations now taking place between the two powers; and I have pleasure to say, that nothing hath hitherto transpired, wherein I can think myself or any of the citizens of this state culpable.

“And of this you may be further assured, that every precaution and means within my power will still be used to ensure the continuation of all good harmony, between citizens of the two governments.”

This communication from the governor of Vermont (continued Mr. Randolph,) leaves no room for a comment on my part; although to contrast it, sentence by sentence, with the representations which have occasioned it, would afford grounds more and more striking, to apprehend, that the governor general of Quebec has been mistaken.

On the appointment of John Jay as minister to England, the negotiation on this subject was transferred to London, and an agreement was speedily reached, indicated by the following documents:

*Secretary of War to Gov. Chittenden.*<sup>1</sup>

WAR DEPARTMENT Oct’ 7 1794

Sir I have the honour to transmit your Excellency the extract of a letter from Mr Jay dated London 12 of July 1794, with a request in behalf of the President of the United States that the agreement which it specifies should be duly observed as it respects the frontiers of Vermont.

The statu quo as it existed immediately after the peace of 1783 is to be inviolably observed. All encroachments since that period are to be abandoned.

I have the honor to be with great respect Your Excellency’s Obedient  
Servant

H. KNOX *Secy of War.*

*His Excellency the Governor of the State of Vermont.*

*Extract of a letter from John Jay Esq. Envoy of the U. S. dated London 12<sup>th</sup> July 1794.*

We had an informal Conversation relative to Simcoe’s hostile measure We concurred in Opinion that during the present negotiation & untill the conclusion of it all things ought to remain & be preserved in Statu

<sup>1</sup>From the original in Ms. *Vt. State Papers*, Vol. 24, pp. 72, 73.



quo—that therefore both parties should continue to hold their Possessions, & that all Encroachments on either side should be done away—that all hostile measures (If any such should have taken place) shall cease & that in case it should unfortunately have happened that prisoners or Property should have been taken the Prisoners shall be released & the Property restored. And we have agreed, That both Governments shall immediately give orders & instructions accordingly

DEPARTMENT OF STATE 19<sup>th</sup> Sept. 1794.

I hereby certify that the above is a true extract from the original letter from Mr. Jay to the Secretary of State.

(Signed)

GEO. TAYLOR Jun<sup>r</sup> *Chief Clerk*.

Compared with the official Extract

JN<sup>o</sup>. FLAGG Jun *Chf Clk W. D.*

If the organization of Alburgh in 1792 was really in violation of the treaty of 1783, then the continuance of that organization, by representation in the Vermont legislature, and the appointment of magistrates for the town by that body, in 1794 and '5, was in violation both of the treaty of 1783 and Mr. Jay's agreement of July 1794; but as no further complaint or difficulty is discoverable in the American State Papers, or elsewhere, it is fairly presumable that the point was not insisted on, and thus Gov. Chittenden was sustained. The clouds of internal and foreign wars—with Indians, insurrectionists, and foreign countries—induced President Washington to send John Jay as envoy to London in the spring of 1794. The agreement in July arrested for the most part the dangers growing out of the British posts, though as late as the 20th of August Gen. Anthony Wayne fought a fierce battle on the very Council ground of 1793, to which Lord Dorchester had referred in his speech to the Indians, and almost within gun-shot of Fort Miami which Simcoe had built. It was a battle with "Indians and Canadian militia and volunteers," "the latter armed with British muskets and bayonets," and three British officers, one of them Col. McKee the British Indian Agent, were on the battle field, "but at a respectable distance, and near the river." On the 22d, Gen. Wayne totally destroyed houses and corn-fields above and below the fort and within pistol-shot of it, including "the houses, stores and property of Col. M'Kee, the British Indian agent and principal stimulator of the war" then "existing between the United States and the savages."<sup>1</sup> In Wayne's victory the Vermont company bore their share. The north western Indians were so far discouraged by their defeat that on the 3d of August 1795 they concluded a treaty of peace. Jay's "Treaty of amity, commerce, and navigation" was concluded Nov. 19 1794, and proclaimed Feb. 29 1796, by the second article of which the British posts in the United States were evacuated "on or before the first day of June, one thousand seven hundred and ninety-six."

<sup>1</sup> From Gen. Wayne's reports, in *The Great West*, Vol. I, pp. 170-173 and *Vermont Gazette* of Oct. 17, 24, and 31, 1794.

## APPENDIX F.

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### REQUISITIONS UPON VERMONT FOR THE MILITARY SERVICE OF THE UNITED STATES—1792 to 1800.

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#### THE VERMONT COMPANY IN GEN. WAYNE'S WAR AGAINST THE NORTHWESTERN INDIANS—1792 TO 1795.

Under the act of Congress of March 5, 1791, for the protection of the frontiers, which added three regiments to the army, President Washington assigned the first company of the third of these regiments to Vermont, and appointed as its officers Captain William Eaton, Lieutenant James Underhill, and Ensign Charles Hyde.<sup>1</sup> Eaton, who owed his appointment to Stephen R. Bradley, then resided at Windsor; Underhill is supposed to have been from Dorset; and Hyde from Poultney. The enlistments were for three years, the bounty for each recruit eight dollars, and the monthly pay of privates three dollars. A recruiting office was opened by Ensign Hyde at Bennington<sup>2</sup> about the first of May, and under the spurs of glittering promises of glory, and fervid appeals in prose and verse,<sup>3</sup> the ranks were filled, and the *Vermont Gazette* of Aug. 31 announced the departure of the company for the seat of war as follows:

This morning the company of recruits raised at the rendezvous in this town, under the command of captain William Eaton, consisting of near 70 of the hardy and brave sons of Vermont, set out on their march for the western country. It has been observed by the muster master and other gentlemen who have seen a number of the other companies of levies, that capt. Eaton's company is by far the best that have marched from any rendezvous whatever. They left the ground in good spirits and with that military ambition that becomes a soldier.

Other items in the *Gazette* show that Eaton's discipline was severe. He was president of a court martial at Albany on the 26th of May, when

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<sup>1</sup> The regiment consisted of one company each from the states of Vermont, New York, New Jersey, Pennsylvania, Delaware, and North Carolina, and three companies each from Maryland and Virginia.

<sup>2</sup> Eaton raised a part of the company at Windsor, before he joined Hyde at Bennington.

<sup>3</sup> See *Vermont Gazette* of May 11, 1792.

a private in a New York company of the regiment was found guilty of desertion, and was on the same day punished by one hundred lashes. On the 7th of Aug. a private in Eaton's company attempted to force the guard, and was shot dead. The company reached Lancaster, Pennsylvania, (on its way to join the army under the command of Gen. Anthony Wayne at Pittsburgh,) on the 20th of Sept., and on the 30th Capt. Eaton wrote as follows to a friend in Bennington:

*Extract of a letter from Capt. William Eaton to his friend in this town, dated Lancaster, (Pennsylvania,) Sept. 30.*

Our detachment arrived in this city on the 20th instant; not a single man has attempted to escape me since I left Bennington, and I have the reputation of marching the best company of recruits that have passed through the country. Ensign Charles Hyde has once more met the smiles of fortune, and had a very handsome and honorary compliment paid to his abilities, in receiving from the war-office an appointment of *Judge Advocate General* of the United States army.<sup>1</sup>

The Vermont company met Wayne at Pittsburgh on the 22d of October, and shortly after joined the army in winter quarters at Legionville; and the succeeding summer [1793] was spent in thoroughly organizing and drilling the army for fighting Indians, on a plan prescribed by President Washington, and in attempting negotiations with the Indians. The latter failing, Gen. Wayne advanced eighty miles north of Cincinnati and erected a fort on the site of Greenville, Ohio, where he remained until the spring of 1794, still actively preparing for a vigorous campaign.

A few glimpses only of Eaton's company are found in the Vermont newspapers. The following is from the *Vermont Gazette* of Nov. 15 1793, preceeding Wayne's advance:

*Extract of a Letter from Captain Eaton, to his friend in town, dated Headquarters, [Hobson's choice,] Sept. 22d, 1793.*

The Legion<sup>a</sup> marches Monday next. Our object is to extend the chain of fortifications. The Indians are collected in large numbers at the Ox Gaze [Au Glaize river, at its junction with the Maumee, the site of fort Defiance,] on the Miami of the Lake, and are determined to meet us on our route—they are elated with their former successes [the defeat of St. Clair]—they are resentful, determinate, and laugh at the idea of our approaching their towns. These circumstances concur to make them less contemptible as an enemy. That they will fight with desperation, we expect—and God grant they may have enough of it. We are well disciplined and well reconciled to the expedition, and whatever may be our success, I will venture to assure you, that we shall not fly. Our business will be serious and decisive provided we are engaged, of which I have not a doubt.

Thomas Avery and Benjamin Coburn of my company are dead, the former died May 22, the latter June 1, both of an intermitting fever.

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<sup>a</sup> *Vermont Gazette* of Oct. 12, 1792.

<sup>1</sup> President Washington styled Wayne's army "The Legion of the United States," and divided it into four sub-legions, each commanded by a General. Eaton's company was in the sub-legion under Gen. James Wilkinson.

They were excellent soldiers, I consider their death a very great loss in my company.—But death is arbitrary.

From the *Vermont Gazette* of April 25 1794:

*Extract of a letter from an officer in the western army to the editor, dated headquarters Greenville, Jan. 16 [1794.]*

A few days since a sergeant, corporal, and twelve men of Capt. Eaton's Vermont company, under the conduct of a Mr. Collins [as guide,] advanced into the Indian country about thirty-five miles from this place, and fell in with a considerable large party of Indians, surprised and routed them; they assembled and fought our Vermonters, with a truly savage fury, killed three and wounded one through the shoulder slightly. Among the former was Samuel Wilder, William Sweetman, and Joel DeBell.

About this time the company was out in various skirmishing and scouting parties; assisted in gathering and burying the bones of those who were killed in St. Clair's defeat; and also in constructing Fort Recovery on that disastrous battle ground.<sup>1</sup>

The Vermonters were engaged in the decisive battle near the British fort Miami on the 20th of August 1794, which forced the Indians to sue for peace. The following list of Vermonters killed is from the *Vermont Gazette* of Oct. 31 1794:

*Extract of a letter from Capt. James Underhill, to his friend in this town [Bennington,] dated Fort Randolph, Sept. 1, 1794.*

For the information of their friends, I send you a list of those Vermont Heroes, who had the misfortune to fall in the glorious action of the 20th of August, at or near Rush Debeigh [Roche de Boeuf.] Their names are as follows, viz. John Louson, Levi P. Senter, Nehemiah Bracy, John Murray, and Peter Gordon. This information I received from Captain Slough, who was wounded in the action, and who was personally acquainted with all the men. Senter fell by the side of Capt. Slough, within reach of his espartoon.

Capt. Slough, of the Pennsylvania company, was in the regiment with the Vermont company; and in Gen. Wayne's report, he is returned among the wounded of the fourth sub-legion. Hence it appears that the Vermonters were in that legion. The official report of the casualties in that legion was as follows:

Killed—1 lieutenant, [Henry B. Towles of Virginia,] 1 sergeant, 11 privates. Wounded, 1 captain [Slough,] 1 lieutenant [Campbell Smith of Maryland, acting as aid to Gen. Wilkinson,] 2 sergeants, 1 corporal, 23 privates.

The fact, that the Vermont company lost five out of the eleven privates killed, is conclusive proof that the Green Mountain Boys were in the thickest of the battle.<sup>2</sup>

It appears above that Lieut. Underhill had succeeded Eaton in the command of the company. This occurred doubtless in Feb. 1794, when

<sup>1</sup> *Life of Eaton*, 1818, p. 19.

<sup>2</sup> For Gen. Wayne's report of the battle, see *American State Papers*, folio edition, title *Indian Affairs*, Vol. I, pp. 491-495.

Eaton obtained leave of absence. In Vol. II, p. 202, note, a brief notice of Eaton was given, to which little need be added. He was employed in the recruiting service until Oct. 1795, when he was ordered with his recruits to St. Mary's river, on the border of Georgia and Florida, among the Creek Indians. Here a detachment of 160 Virginia soldiers joined, and Eaton was in command of the post with about three hundred men. Pursuant to orders, he erected Fort Pickering at Colerain, though he protested against the location. In May 1796, U. S. Commissioners met deputations of the Creeks and Seven Nations at the fort; Eaton was appointed Secretary of the Council, and on the 29th of June 1796 a treaty of peace was concluded. On the 7th of August following Eaton was displaced, and on the 17th arrested on various charges, which resulted in his being ordered finally to Washington, where he was informed that the sentence of the court martial was not confirmed. He was subsequently charged with other services by Secretary of State Pickering, and in July 1797 received a commission as consul to the city and kingdom of Tunis. In March 1804 he was entrusted by Jefferson with an enterprise on the coast of Barbary, which resulted in his march from Alexandria, Egypt, between March 8 and April 25, 1805, through the desert of Barca, to the city of Derne—a distance of more than four hundred miles; the capture of that city four days after his arrival; and the treaty of peace with Tripoli a few days thereafter. Sherman's famous "march to the sea" had nothing of the desperate temerity which marked Eaton's at every step.<sup>1</sup>

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#### THE MINUTE-MEN OF 1794.

An act of Congress, approved May 9 1794, directed a detachment from the militia of eighty thousand men, to be organized, armed, equipped, and held in readiness to march at a moment's warning in the service of the United States; of which number two thousand one hundred and thirty-nine were assigned to Vermont. May 19 President Washington issued his requisitions to the governors of the several states, directing them to use the most effectual means for making the necessary detachments. As soon as Gov. Chittenden received the requisition, he called a special meeting of the Council at Rutland on the 21st of June. No record of this meeting was entered on the journal of the Council, but its results appear in the following resolutions and orders:

*From The Farmers' Library [Rutland] of June 24 1794.*

*Published by Authority.*

STATE OF VERMONT, In Council, Rutland June 21 1794.

Whereas it appears to this Council that the wages allowed by Congress, to the non-commissioned officers & privates of the militia, which are to be called into actual service, in case a war should take place, is not an adequate compensation for such service, Therefore,

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<sup>1</sup> *Life of Eaton* pp. 301-340.

Resolved, that it be & it is hereby recommended to the legislature, that at the next October session, they make ample provision, that in case any of the militia of this state should be called into actual service, that the wages of non-commissioned officers and privates be as follows :—a Sergeant 48 shillings a month, Corporals and Musicians 44 shillings a month, and privates 40 shillings a month including what shall be allowed by Congress.<sup>1</sup>

Resolved, that his Excellency the Captain General be and hereby is advised as soon as may be, to issue his orders to the several Major Generals in this state to enlist or detach from the several corps under their command, their several quotas of the two thousand one hundred & thirty nine able bodied effective men as a detachment from the militia of this state, agreeable to the act of Congress of the ninth of May one thousand seven hundred and ninety four.

Resolved, that his Excellency the Captain General be and he is hereby advised to direct Brigadier General ELI COGGSWELL [of Castleton] to take command of the said detachment.

Extract from the minutes, SOLOMON MILLER, *Sec'y pro tem.*

On the same day, Gov. Chittenden accordingly issued his orders to Major Generals Samuel Fletcher, Isaac Tichenor, Ira Allen, and Paul Brigham, with the assistance of Brigadier Generals, to detach officers and men for three regiments of seven hundred and thirteen "good able bodied effective men" each.<sup>2</sup> The work was promptly done ; but as the men were never called into active service, it has not been deemed necessary to print the list of the officers detached.

#### THE MINUTE MEN OF 1797-'8.

In pursuance of a requisition from President John Adams, under the act of Congress of the 24th June 1797, on the 20th of Dec. 1797, Gov. Tichenor issued orders for the detachment of three regiments of Vermont militia, numbering in all two thousand one hundred and fifty men, to be under the command of Brig. Gen. Zebina Curtis, of Windsor. As these men were not ordered into actual service, the insertion of the details of the general orders is not deemed necessary.—See *Rutland Herald* of Jan. 1 1798.

#### VERMONTERS IN THE 16TH REGIMENT U. S. ARMY IN 1798-'9.

The act of Congress of July 16 1798 added twelve regiments to the U. S. Army, of which George Washington was to have the command as Lieutenant General. The sixteenth and last regiment was to be filled by

<sup>1</sup> Oct. 30 1794, an act was passed raising the monthly pay as follows : privates to 40 shillings, sergeants 48, corporals 44, sergeant-major and quarter-master sergeant 60, drum and fife major 48, drummers and fifers 44.—See printed *Acts of 1794*, p. 123. This was a precedent for the extra state pay to the volunteers in the war of the rebellion.

<sup>2</sup> For general orders, see *The Farmers' Library* of July 8 1794.

enlistments in New Hampshire, Vermont, and Rhode Island; and of its ten companies Vermont was to furnish three. The enlistment offices were at Westminster, Newbury, and Burlington; and the rendezvous for the State was at Westminster, under the command of Maj. Cornelius Lynde of Williamstown. The Vermont officers were as follows: Major, Cornelius Lynde; Captains, William Woodward, Israel Elliot Trask, and George Woodward; first Lieutenants, Daniel Bissell, Isaac Putnam, and Marmaduke Wait; second Lieutenants, Jesse Lull, (who was quartermaster of the regiment,) Daniel Baker, and John W. Brownson.<sup>1</sup> None of the twelve new regiments were filled, in November 1799 the sixteenth having only two hundred and thirty-three men. In Feb. 1800, enlistments were suspended, and the army was shortly afterward reduced to four regiments.

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<sup>1</sup>*American State Papers*, folio edition, title *Military Affairs*, Vol. I, pp. 151, 152; and *Spooner's Vermont Journal* of Aug. 6 1799.

## APPENDIX G.

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### EXTRADITION OF FUGITIVES FROM JUSTICE.—1796-'99.<sup>1</sup>

IN GENERAL ASSEMBLY, 4th November 1796, A. M.

His excellency, the Governor, made the following communication, viz.  
1st. Circular letter from Lord Dorchester, which is as follows; viz.<sup>2</sup>

CIRCULAR

QUEBEC 31 March 1796

*Sir* A Certain Ephraim Barnes against whom the Grand Jury for the County and District of Montreal in this Province have found three separate Bills one for a highway Robbery and Two for Horse Stealing together with another Delinquent by the name of James Clarkson Freeman against whom bills have been found also as accessory to Barnes in the Last mentioned Felonies have made their Escape from the Goal of the City of Montreal and as I am Informed have fled into one of the Neighbouring States I take the Liberty of requesting that should they or either of them be found in your Government that your Excellency would be pleased to Cause them to be Delivered to the Bearer Mr. Jacob Rulin to be by him safely conducted into this Province in order that they may be brought to Trial—

Similar requisitions having been made by the Governnor of Newyork in the Two Instances of John Ryan and Ralph Phelps the former Charged with Murder and the Latter with a Forgery and to which Immediate and proper attention was paid here I have no reason to Doubt a similar service will be cheerfully reciprocated—

The Bearer takes out Authenticated Copies of the Bills of Indictment found against the Culprits should the producing these Documents be in any wise thought necessary—Freeman it is reported came into this Province to avoid a prosecution for a Forgery committed in some one of the United States.

I am Sir your Excellency's Most Obedient Humble Servant—

DORCHESTER.

*His Excellency the Governor of Vermont or His Excellency the Governor of Newyork or The Governor of any other of the United States*

A True Copy of the Original Letter from Lord Dorchester to His Excellency the Governor of the State of Vermont &c &c

Attest

TRUMAN SQUIER *Sec'y.*

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<sup>1</sup> For an instance of refusal by the Governor and Council, Oct. 21, 1794, see *ante*, p. .

<sup>2</sup> These documents, with the exception of Mr. Liston's note, are here printed from *Ms. Vt. State Papers*, Vol. 24, pp. 86, 87. For Mr. Liston's note see printed *Assembly Journal* for 1796, p. 153.



2ndly. A note from R. Liston, the British minister, to the secretary of the United States, viz.

R. Liston presents his best compliments to Col. Pickering, secretary of state. By the enclosed paper it appears that the governor of the state of Vermont, having been requested by Lord Dorchester to deliver up a person by the name of Barnes, accused of highway robbery and horse stealing, who has taken refuge within the limits of that government, has denied complying with that demand, from an idea he is not authorized so to do by the late treaty between Britain and the United States.<sup>1</sup> The natural construction of the article, which regards this matter, seems to be that the delivery up of a person charged with murder or forgery, is expressly stipulated and has consequently become a reciprocal obligation. But the conduct of the two governments, with respect to other delinquents, is left, as before the formation of the treaty, to their natural discretion; and I beg leave to refer to you, sir, whether it may not be proper to continue to extend the prosecution of reciprocal restitution of culprits to all such offences as seriously effect [affect] the great interest of society.

Philadelphia, May 27th 1796.

3dly. A letter from Mr. Pickering to his Excellency Thomas Chittenden Esq. which is as follows viz.

DEPARTMENT OF STATE June 3 1796.

Sir I have rec<sup>d</sup>. from Mr Liston the Minister Ple. of his B. Majesty a note dated the 27 ult<sup>o</sup> of which the [inclosed] is a copy, one of the letters therein referred to, is Lord Dorchester's letter to you dated the 31st of March—the other is a letter from the sheriff. Montreal, stating (agreeably to Mr Liston's note) your disposition to deliver up the offenders Barnes and Freeman who had broken goal and fled from Canada, if to be found in your Government, provided the treaty between the U S. & G B. did not oppose it—I have consulted the Att<sup>y</sup> Gen of the U S. on this point and stated our concurring opinion to the president, that Mr Liston's Ideas on this subject are perfectly correct—The reciprocal delivery of murderers and forgers is positively stipulated by the 27 article of the

<sup>1</sup> The words of the treaty were, "that His Majesty and the United States, on mutual requisitions, by them respectively, or by their respective Ministers or officers, *authorized to make the same*, will deliver up to justice all persons" "*charged with murder or forgery.*" In the absence of any authority in the laws either of the State or the United States to issue a requisition or a warrant, even in cases of murder and forgery, and in view of the fact that neither of these crimes was charged in this case, it is not surprising that the governor doubted. His application for a statute of the state, giving him authority to issue warrants, clearly indicates one ground of his doubt, and the fact that the crimes charged in the requisition were not provided for in the treaty, was another. The treaty of 1842 specified additional crimes, and in terms authorized "the respective judges and other magistrates of the two Governments" to issue warrants. The act of Congress of 1848 gave this power to courts, thus relieving the governors of states from any responsibility in the case of criminals from foreign countries, as does the existing statute. The delay in this case, when his desire to comply with the requisition was avowed, proves the governor's abundant caution.

treaty—the conduct of the two governments with respect to other offenders is left, as before the treaty, to their mutual discretion—but this discretion will doubtless advise the delivery of culprits for offences which affect the great Interests of society—The president approves of this opinion and of the communication of it to your Excellency.

Lord Dorchester's information respecting freeman is right—He had been convicted of forgery in the State of N Jersey, and some four or five years ago broke goal & fled to Canada.

The rule prescribed in the treaty for the delivery of persons charged with murder and forgery, will apply to those charged with other offences to wit—to be done on such evidence of criminality as by the laws of the place where the fugitive shall be found, would justify his arrest & commitment for trial, if the offence had been there committed. The expence also to be borne by those, who ask for the delivery of the fugitive—

I have honor to be, with great respect, Your Excellency's most ob<sup>t</sup> serv<sup>t</sup>

TIMOTHY PICKERING.

*His Excellency Governor Chittenden Rutland Vermont—*

After requesting the advice of the house, His Excellency withdrew, and the house proceeded to business.

On motion, *Ordered*, that a committee of three to join such committee as the council shall appoint, be chosen, to draft and report to this house a bill, directing the mode of delivering up fugitives who have been guilty of offences in the province of Canada, and have fled to this state. Members chosen, Messrs. [Daniel] Farrand, [Amos] Marsh, and [Matthew] Lyon.<sup>1</sup>

P. M.—Mr. Marsh moved for liberty to lay on the table the following resolution, namely,

Whereas his excellency, the Governor of this state, has communicated to the house a request from Lord Dorchester, to deliver up (if found within this state) two persons (to wit) Ephraim Barns, indicted for highway robbery and horse stealing, in the province of Canada, and James Clarkson Freeman, indicted in said province, for being accessory to said Barns in the aforesaid crimes; and has requested the advice of this house relative to the aforesaid request,

Therefore, Resolved, That it is the opinion of this house, that the great interest of society requires that offenders of the above description should be brought to condign punishment, and that his excellency be advised to deliver up the aforesaid culprits (if to be found within this state) agreeably to the request of Lord Dorchester.

Which being read, was adopted as a resolution of this house.

Mr. Jacob appeared in the house, and delivered the following message, viz.

That Governor and Council has received a resolution of the house, appointing a committee to join such committee as the council shall appoint, to draft and report “a bill directing the mode of delivering up fugitives, who have been guilty of offences in the province of Canada and have fled into this State.” That the object of his excellency, in the communication and request he made this morning, was to have a general law passed, prescribing the mode in which the chief magistrate shall proceed in all cases in which fugitives shall be requested to be delivered up, who have fled to this state from any foreign state; that the powers of the committee, being confined to the province of Canada, does [do] not fully embrace the object contemplated by his excellency the Gov-

<sup>1</sup> Stephen Jacob was joined from Council.

ernor and Council, and they therefore wish the powers of the committee may be so far augmented as to authorize them to bring in a general bill: and he withdrew.

The house took under consideration the resolution appointing a committee to draft and report to the house a bill directing the mode of delivering up fugitives who have been guilty of offences in the province of Canada, and the message of Mr. Jacob, and on Motion, *Resolved*, That the said resolution be amended, by authorizing the Committee to make provision for the apprehension of fugitives who have fled from any of the United States, or from either of the provinces of Canada.<sup>1</sup>

An unsuccessful search has been made for any report from the committee, or any act of the legislature on the subject. In 1799, however, the question came up again, on an application from the then acting governor of Massachusetts to the governor of Vermont, for the extradition of Peter Gilson, who had been charged with the crime of forgery in Massachusetts. Gov. Tichenor submitted the application to the Council, when it was decided that Gilson could be arrested and extradited without any authority of the governor, and the agent of Massachusetts was referred to counsel for advice.<sup>2</sup> This decision implied that some act, either of the United States or of Vermont, covered the case; but on further examination, the Council determined that a warrant should be issued by the governor, and the following form was adopted, with the resolution appended to provide for the same warrant in subsequent cases:

"STATE OF VERMONT SS.

To the Sheriffs of the several Counties in this State of Vermont, or their several Deputies, Greeting—

[L. S.] "Whereas application has been made to the Executive Authority of the state of Vermont, by the Executive authority of the Commonwealth of Massachusetts, accompanied with an authenticated copy of an indictment against Peter Gilson of Peperell, in the county of Middlesex, and Commonwealth of Massachusetts, annexed thereto, by which it appears, that the said Peter Gilson is charged with the crime of forgery, and that he has fled from justice, and is now residing in Hartland, or some other town, within the State of Vermont; and the executive authority of the said Commonwealth of Massachusetts, according to the Provisions of the Constitution of the United States, having requested the executive authority of the said State of Vermont to cause the said Peter Gilson to be apprehended and to be delivered over to Simon Larned Esquire, Sheriff of the County of Berkshire in said Commonwealth, that he may be brought to justice.

"These Presents, are therefore, by the authority vested in me by the Constitution and laws of the United States, and by and with the advice of the Council of this State, to command you, and each of you, immediately and without delay, to cause the said Peter Gilson, if he may be found within your several precincts, to be arrested, and to be secured, within some good and sufficient goal, within the county in which such arrest shall be made, if there be such goal within such county, and if there be no such goal within such county, then to be secured within some

<sup>1</sup> Printed *Assembly Journal* for 1796, pp. 152-154, 160, 161.

<sup>2</sup> For the action of the Council on Gilson's case, see *ante*, pp. 219-20, 226.

good and sufficient goal in some adjacent county, and immediately upon such arrest and commitment, to give notice thereof, to the subscribing authority. And the keeper of such goal is hereby directed and commanded, to receive the said Peter Gilson, and him safely keep, and deliver to such agent, as is or shall be duly authorized and empowered by the executive authority of the said Commonwealth of Massachusetts, to receive the said Peter Gilson—And if no such agent shall appear, within six months after such arrest, to receive the said Peter, then the keeper of said goal is hereby directed and commanded, to release the said Peter Gilson. And for all and singular, the doings of such keeper of the goal, agreeably to the precepts hereof, a copy of this warrant, attested by the officer executing the same, shall be a sufficient authority.

“Hereof fail not, but of this warrant, with the doings thereon, make due return.

“In Testimony whereof, I, Isaac Tichenor, Governor, and Commander in chief, in, and over the state of Vermont, have caused the seal of this State to be hereunto affixed, this 17<sup>th</sup> day of October A. D. 1799.

ISAAC TICHENOR.

“By his Excellency’s Command

RICH<sup>d</sup>. WHITNEY Secy.”

And Resolved, further, That in future, on application to the Governor and commander in chief, in and over this State, or to the supreme executive power thereof, for a similar purpose; That the Governor, or person filling and exercising the office of Governor, for the time being, be and he hereby is advised by Council, to issue his warrant or precept, *mutatis mutandis*, agreeably to the foregoing form, without further or other advice of Council.

## APPENDIX H.

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### ADDRESSES OF THE LEGISLATURE OF VERMONT TO THE PRESIDENT OF THE UNITED STATES, AND ANSWERS THERETO.

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#### ADDRESS TO PRESIDENT WASHINGTON.—1796.

IN GENERAL ASSEMBLY 17th October 1796.

On motion, *Resolved*, That the following persons be a Committee to draft an address in the name of the legislature of this state, to the president of the United States, in answer to his late [farewell] address to his fellow citizens, viz. Mr. Speaker [Lewis R. Morris,] Mr. [Amos] Marsh, and Mr. [Daniel] Farrand.

25th Oct.—The committee appointed to draft and report an address to the president of the United States, in answer to his late address to his fellow citizens, reported as follows, viz.

*“An address from the legislature of the state of Vermont, to the President of the United States.*

“Sir, From the unrecognized situation of this state, the legislature had not an opportunity in common with their sister states, to anticipate by an address, the blessings which were expected from your administration ; permit us now, with sincere satisfaction, to assure you, that the event has justified the most sanguine hopes of the legislature of Vermont, and their constituents.

“When we contrast the gloomy aspect, both of our domestic and foreign affairs, a few years since, with the flattering prospect now before us, we at once appreciate the advantages which immediately result from one general government, and the justice, magnanimity and moderation which has marked your administration.

“Convinced of our true interest, you have successfully opposed faction, and maintained that neutrality so necessary to our national honour and peace—accept, sir, the only acknowledgment in our power to make, or yours to receive, the gratitude of a free people.

“Ardently as we wish your continuance in public office, yet when we reflect on the years of anxiety you have spent in your country’s services, we must reluctantly acquiesce in your wishes, and consent that you should pass the evening of your days, in reviewing a well spent life, and looking forward to scenes beyond the grave, where our prayers shall ascend for a complete reward for all your services, in a happy immortal-

ity: and we receive your address to your fellow citizens, as expressive of the highest zeal for their prosperity, and containing the best advice to ensure its continuance.

"We cannot, sir, close this address (probably the last public communication we may have occasion to make to you) without assuring you of our affection and respect. May the *shade of private life* be as grateful to you as the *splendor of your public life* has been useful to your country.

"We shall recollect you with filial affection; your advice as an inestimable legacy, and shall pride ourselves in teaching our children the importance of that advice, and a humble imitation of your example."

Which report was read and unanimously adopted. The same being then signed by the Speaker, and countersigned by the clerk, on motion, *Resolved*. That the governor and council be requested to concur in the foregoing address to the president of the United States; and that the same be presented to the president by the senators in congress from this state.

IN COUNCIL, Oct. 27 1796.

An Address from the House to the President of the United States requesting the Concurrence of the Gov<sup>t</sup> & Council, Read & Resolved to Concurr accordingly.

*U. S. Senators for Vermont to Gov. Chittenden.*

PHILADELPHIA Jan<sup>y</sup>. 24<sup>th</sup>. 1797 <sup>1</sup>

Sir On the 12<sup>th</sup>. ultimo we presented the Address of the Legislature of Vermont to the President of the United States & on the same day received his Answer, which we respectfully transmit to your Excellency to be communicated to the Council and Gen<sup>l</sup>. Assembly.—We are with perfect Sentiments of Esteem Your Ob<sup>t</sup> & Hum<sup>ble</sup> Ser<sup>ts</sup>

ELIJAH PAINE  
ISAAC TICHENOR.

*His Excell<sup>y</sup>. Tho<sup>s</sup>. Chittenden.<sup>2</sup>*

REPLY OF PRESIDENT WASHINGTON.

*To Elijah Paine and Isaac Tichenor Esq<sup>rs</sup>. Senators in Congress from the State of Vermont.*

Gentlemen, With particular pleasure I receive the unanimous address of the Council and General Assembly of the State of Vermont.—Although but lately admitted into the Union, yet the importance of your State, its love of liberty and its energy, were manifested in the earliest periods of the revolution which established our Independence. Unconnected in name only, but in reality united with the confederated States, these felt and acknowledged the benefits of your cooperation. Their mutual safety and advantage duly appreciated, will never permit this Union to be dissolved.

I enjoy great happiness in the testimony you have presented, and in the other proofs exhibited from various parts of our Country, that the operations of the general Government have justified the hopes of our citizens at its formation, which is recognized as the era of national prosperity. The voluntary acknowledgments of my fellow citizens persuade me to believe that my agency has contributed to produce this

<sup>1</sup> The transmission of the President's answer was delayed, as the legislature was not to meet until the 14th of the then next February.

<sup>2</sup> Ms. *Vermont State Papers*, Vol. 24, p. 97.

effect. This belief will be to me a source of permanent satisfaction, and those acknowledgments a rich reward.

My sincere thanks are due, and I beg you, Gentlemen, to make them acceptable to the Council and General Assembly of the State of Vermont, for the very obliging and affectionate terms in which they notice me and my public services. To such confidence and support, as I have experienced from Councils, Legislative assemblies, and the great body of American Citizens, I owed the best exertions of every faculty I possessed: happy now in the reflection that our joint labours have been crowned with success,—When withdrawn to the shade of private life, I shall view with growing pleasure, the increasing prosperity of the United States: in the perfect protection of their government, I trust to enjoy my retirement in tranquillity: and then, while indulging a favorite wish of my heart in agricultural pursuits, I may hope to make even my private business and amusement of some use to my Country.—

G<sup>o</sup> WASHINGTON

United States }  
12<sup>th</sup> December } 1796.<sup>1</sup>

#### ADDRESS TO PRESIDENT JOHN ADAMS—1798.

IN GENERAL ASSEMBLY, Oct. 12 1798.

On motion, *Resolved*, That a committee of five be appointed to draft and report to this House an address to the President of the United States.

*Ordered*, That the said committee be appointed of Mr. [Samuel] Williams, Mr. [Udney] Hay, Mr. Amos Marsh, Mr. [John W.] Blake, and Mr. [Daniel] Farrand.<sup>2</sup>

Oct. 20.—The address to the President of the United States was then read, in the words following.

*“To the President of the United States.*

“While the Communities, Corporations, Towns, Cities and Legislatures of your Country, are crowding to approach you with addresses of approbation and gratitude, will you, Sir, permit the Legislature of the State of Vermont to join the general voice? Among the latest to address, we would be considered as among the foremost to approve your official conduct.

“We have been represented as a divided people;<sup>3</sup> but this report has been fabricated, and cherished, by men whose destructive policy would lead them first to excite disunion, and like the incendiary, to profit by the confusion they have created.

“That the great bulk of our citizens are firmly attached to our excellent federal constitution of government, and highly approve its adminis-

<sup>1</sup> Ms. *Vermont State Papers*, Vol. 24, p. 95. The signature and date to the foregoing were written by Washington; while the body of the letter was written by a secretary, who, doubtless, was responsible for the few errors in spelling and punctuation.

<sup>2</sup> Oct. 16, by another resolution, this was made a joint committee, and Councillors Jacob and Spencer were joined.

<sup>3</sup> Literally so “represented” by Daniel Buck of the eastern congressional district, who was a federalist; and by Matthew Lyon of the western district, who was so over-zealous in opposition as to be then in jail under the sedition act.

tration, you may be assured is an incontrovertible fact.<sup>1</sup> That some men should not appreciate its advantages, or that some should be bad enough to strike at its very existence, is not strange. When we consider government as the association of the honest, the pious, and the peaceable, to protect themselves from the wickedness of the dishonest, the impious, and the unruly; it is not strange that if the beneficial designs of the former be effected, the latter will complain, and attempt to break every barrier which protects society. We know of no government, ancient or modern, that was ever celebrated for its excellency, whose archives were not disgraced with impediments of opposition, and the page of whose history is not stained with frequent insurrection. Even under the divine theocracy of the Jews, the people murmured amidst plenty; and, while their first magistrate was in immediate conference with Heaven for their good, a stupid faction of that people lost the remembrance of their divine government, in the adoration of a Molten God.

"But you, sir, can accurately distinguish between the voice of your country, and the clamour of party: we here offer you the genuine sentiments of our constituents, the freemen of Vermont, as delivered through their constitutional organ, the legislature.

"In the infancy of French political reformation, with our brethren of the United States, we wished well to the cause of French patriotism, because we supposed it the cause of virtue, religion, and rational liberty. But when Gallic virtue was succeeded by licentiousness and inhumanity; when religion gave place to atheism, and rational liberty to grievous oppression; when, no longer contented with abortive attempts to reform their own government, they boldly obtruded their political creed upon the order and tranquility of other nations; and with rapacious ambition, unknown to their proudest monarchs, dissolved ancient governments, annexing plundered provinces to their own blood-stained territories; when they violated the neutral rights of the United States, commissioned their ambassadors to excite us to foreign war and domestic insurrection, and made the most unprovoked depredations on our commerce; when they insulted our messengers of peace, and insidiously attempted to degrade them into the mean instruments of subjecting their country to a scandalous tribute;<sup>2</sup> when they refused to stop the hand of plunder, for a little period, while our government might attempt, by discussion or concession, to avert the calamities of war; when they violently and insidiously struck at our national independence, every tie of affection for Frenchmen was dissolved; and we clearly perceived, that we could no longer be attached to that nation, but at the expence of our morals, our religion, and the love of our country.

"This, sir, is a day which calls loudly for decision: and we are proud to declare our attachment to the Constitution of the United States; we believe its prosperity deeply involves our own; we have the firmest reliance on the executive administration of our general government. Your

<sup>1</sup> At the election in Sept. 1798, Isaac Tichenor, federalist, received 6211 votes; and Moses Robinson, opposition, 2805. The yeas and nays on this address show that the federalists predominated quite as largely in the Assembly.

<sup>2</sup> "A sum of money was required" from the United States "for the pockets of the directory and ministers, which would be at the disposal of M. Talleyrand."—American Envoys to the Secretary of State, Oct. 22 1797, in *American State Papers*, octavo edition of 1817, Vol. 3, p. 478.



instructions to our national envoys to France carry conviction with them of your uprightness. Your resolution to send no other envoys to that haughty nation, unless previously assured of their honorable reception, evidences beyond doubt, your firm attachment to the interest and honor of your country. You have justified your country in the face of the world; and if the consequences of French duplicity and rapacity shall involve us in a war, which we pray heaven to avert, we pledge ourselves to our country, for our firmest support of her violated rights.

"Permit us to add assurances of our personal respect; while we honor you as our chief magistrate, we respect you as a man; and it is to your glory we can say, we regard JOHN ADAMS because we love our country."

Mr. W. C. Harrington then introduced the following resolution: to wit. *Resolved*, That the foregoing address pass; that it be signed by the speaker [Daniel Farrand] in behalf of this house; and that it be sent to the governor and council for concurrence: *further resolved*, that His Excellency the Governor be requested to forward the same to the President of the United States.

On the question, will the house pass the foregoing resolutions? The yeas and nays being required by Mr. Amos Marsh, \* \* \* it passed in the affirmative: Yeas 129, Nays 23.<sup>1</sup>

The address was concurred in by the Governor and Council, 11 to 2. See *ante*, pp. 183, 186-7.

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<sup>1</sup>Printed *Assembly Journal* for 1798, pp. 40, 41, 75-80. The *Vermont Gazette Extra* of Dec. 20 1798 contains an address of the minority to their constituents, in which they state their objections to the legislative address: first, that the introduction is servile; second, because it renders a full approbation to every measure of the executive administration of the executive government—[meaning but not naming the alien and sedition acts, and the manner of their execution, as exceptions;] third, that the address was peculiarly pointed against distinguished characters, who had always possessed their fullest confidence; and fourth, that it inveighs against France on account of their religious sentiment. The minority also published and approved of a form of address to the President, which had been read in the Assembly by Udney Hay, as a part of his speech against the legislative address. Mr. Hay's draft professed their zeal and attachment to the federal government; abhorrence of all foreign influence and intrigues; condemnation of the inattention with which our ambassadors of peace to the French republic had been received; their readiness to sacrifice all the comforts and blessings of peace rather than yield to an imperious insulting government; their veneration of President Adams for his virtues, and their respect for his abilities; their fullest confidence that his conduct would continue to be actuated by zeal for the public welfare, and their most sincere prayer that the divine ruler of the universe might render his exertions the glorious means of saving the country from the horrors and calamities with which the European world was then overspread.

Mr. Hay's form might well have received the vote of every member, had he proposed it as a substitute. The fact undoubtedly was, however,

## REPLY OF PRESIDENT ADAMS

*To the Legislature of Vermont.*

Gentlemen, Your address of the 24th of Oct. has been forwarded to me, as you desired, by his excellency Isaac Tichenor, your worthy governor. Among all the addresses which have been presented to me, from communities, corporations, towns, cities, and legislatures, there has been none more acceptable to me, or which has affected my sensibility or commanded my gratitude more than this very sentimental compliment from the State of Vermont; a state, which, within my memory,

that the federalists wished to press their opponents into avowed antagonism to the government; and the opposition party was quite as ready to put the burden of the alien and sedition acts upon the federalists—a stroke of party policy which promised to be very efficient at that time, as public sentiment and sympathy in western Vermont were then very strong in favor of their imprisoned congressman, Matthew Lyon. The result answered their expectation. In September 1798, Lyon failed of an election, but in December he received a large majority. This favor to Lyon was founded rather on a jealous zeal for the liberty of speech and the press than for the man personally, and the following account of Lyon's reception on the expiration of his sentence, is worthy of preservation, as a protest of the people against political persecution. It was contributed to the *Rutland Herald*, a few months ago, by the Hon. ROWELL BOTTOM of Orwell, who doubtless had his facts from Mr. Austin and others who were prominent in the matter.

At the time of his [Lyon's] imprisonment in Vergennes under the odious sedition law, passed by Congress during the Federal administration of John Adams, when he had stayed out in prison the term of his commitment of four months, and nothing remained but the payment of his thousand dollar fine to entitle him to his liberty, it was feared that the marshal of the State, whose sympathies and preferences were strongly with the Federal party, and against Lyon, would stickle about receiving for the fine any other than money that was of legal tender, and in that case it might be difficult to procure the specie. Most of the gold then in circulation was of foreign coin which passed at an uncertain value according to its weight, which often varied by different weighers, and was, therefore, not a legal tender. It was known that Mr. Lyon, while in prison, had issued frequent publications, therein freely discussing and sometimes censuring the measures of the federal administration, and that if any pretext could be made for continuing his imprisonment and thereby prevent his taking his seat in Congress, to which he had been re-elected while in prison, the marshal would not hesitate to resort to it. It was further ascertained that if the fine was paid, the marshal intended to re-arrest him for his subsequent publications. Therefore, to secure his liberty so that he could take his seat in Congress, which had already convened, Mr. Apollos Austin, a resident citizen of Orwell, and a man of wealth, at his own expense and trouble procured the thousand dollars in silver dollars, and on the day that Mr. Lyon's confinement expired, Mr. Austin, with the entire body of the Republicans in Orwell, nearly every man, went to Vergennes, where a like spirit brought together some thousands of the Republicans from other parts of the district and State, in order probably to overawc the authorities from re-ar-

has been converted from a wilderness to a fruitful field. Knowing, as I do, your origin and progress, the brave, hardy, industrious, and temperate character of the people, the approbation of their representatives, their attachment to the constitution, and determination to support the government, are the more to be esteemed.

While we truly consider government as the association of the honest, the pious, and the peaceable, to protect themselves from the wickedness of the dishonest, the impious and unruly, we should never forget, that government at the same time ought to protect the dishonest, the impious and unruly, not only from the fraud and fury of each other, but from the errors and weaknesses of the honest and pious.

There is too much truth in your observation, that the most excellent governments have had their archives disgraced with impediments of opposition and frequent insurrections. The true cause of it is, that while the honest and pious are always disposed to submit to good government and choose the mildest, the dishonest and impious take advantage of the feeble restraint, to commit mischief, because it can be done with impunity. This in course introduces the necessity of severe curbs for the wicked, and then the sordid animal becomes too tame under the curb, the lash and the spur. While a tenderness of blood and a respect for human life is preserved among the people, however, there is not much danger, even from tumults. This maxim preserved the Romans who for four hundred years never shed the blood of a man in sedition. An example worthy the contemplation and imitation of all other republics.

The French have rendered it impossible for us to follow them in their notions and projects of government, or to submit to their arbitrary conduct and extravagant exactions to us : we must therefore defend ourselves against all they can attempt.

It is not possible for my fellow citizens to say any thing more glorious or delightful to me, than that they regard me, because they love their country.

JOHN ADAMS.

Philadelphia, Nov. 30th, 1798.<sup>1</sup>

resting. Mr. Austin was not permitted, however, to pay the money he had brought. All claimed the privilege of bearing a part, and one dollar each was the maximum they would allow any one individual to pay. One gentleman from North Carolina, a staunch Republican, so zealously anxious for the release of Mr. Lyon from prison, that he might take his seat in Congress, at that time nearly equally divided by the two great political parties, came all the way on horseback from North Carolina with the thousand dollars in gold to pay the fine; supposing that as Vermont was then new, and comparatively poor, the resources of the people were not sufficiently ample to meet the exigency.\* Having paid the fine, the friends of Mr. Lyon immediately took him into a sleigh, followed and preceded by a concourse of teams loaded with the political friends of Lyon, which reached from Vergennes as they traversed Otter creek upon the ice nearly to Middlebury, from which place a large number continued to bear him company to the State line at Hampton, New York, where they took leave of him and wished him God speed on to Congress. \* \* \* The weak measures pursued by the Federal party against Mr. Lyon, and the odium that was everywhere felt against that abominable alien and sedition act passed by that Federal Congress, doubtless tended very greatly to change the parties of our State, which soon followed those proceedings, and perhaps had an influence over the whole country.

\* Note by the editor of this volume.—Stevens Thomson Mason, U. S. Senator from Virginia, doubtless is the person referred to. His money seems to have been used to pay the fine. See letter of thanks to him in the *Vermont Gazette* of March 28 1799.

<sup>1</sup> From the *Vermont Gazette* of Dec. 27 1798.

ADDRESS TO PRESIDENT JEFFERSON—1801.<sup>1</sup>

Sir,—Although we are by no means fond of formal addresses to any of our rulers, yet, as the practice has already obtained, our silence on the present auspicious occasion might be falsely interpreted into an indifference toward your person, your political opinions, or your administration. We take, therefore, this earliest opportunity to assure you that we love and admire the federal constitution, not merely because it is the result and display of the collected wisdom of our own country, but especially because its principles are the principles of liberty, both civil and religious, and of the rights of man. We contemplate the general government as “the sheet anchor of our peace at home and safety abroad.” We sincerely respect all the constituted authorities of our country. We regard the Presidency with a cordial attachment and profound respect. But, Sir, we do not regard YOU merely as the dignified functionary of this august office. That you are an American, both in birth and principle, excites in us sensations of more exalted pleasure. We revere your talents, are assured of your patriotism, and rely on your fidelity. More than this—our hearts, in union with your own, reverberate the political opinions you have been pleased to announce in your inaugural speech. Having said this, we need not add that you may assure yourself of our constant and faithful support, while you carry into effect your own rules of government.

Your disposition, expressed in plainly delineating in your inaugural address, and in a particular instance of a more recent date, the chart by which you propose to direct the course of the political ship, on board of which we have embarked the best of our temporal interests, invites a reciprocity of communication. Under this indulgence, we are constrained to express some of our most ardent wishes.

May the general government draw around the whole nation such lines of defence as shall prove forever impassable to every foreign foe. May it secure to the several states, as well the reality, as the form of republican government. May it ever respect those governments as the most “competent for our domestic concerns, and cherish them as the truest bulwarks against anti republican tendencies,” and effectually protect them against any possible encroachments on each other. May it effectually extend to us, and to every individual of our fellow citizens, all that protection to which the state governments may be found incompetent. While it thus defends us against ourselves and all the world, may it leave every individual to the free pursuit of his own object in his own way. May the means of defraying the expence necessarily incurred by these measures, be drawn from all the inhabitants, in as just proportion to their respective ability as is possible. May your administration be found, on experiment, to be effectually instrumental in adapting all the subordinate offices of government to the real accommodation of the great public, and of annexing such a precise compensation to the discharge of every trust, as shall invite the ready acceptance of modest ability, and distinguished merit, while the avaricious, the ambitious, and the luxurious, shall see in it no allurement. And may no one description of citizens be favored at the expence of any other.

Liberty herself demands these restrictions: and these indulgences are all she asks.

Thus administered, our government will stand fast on the surest basis,

<sup>1</sup>Printed *Assembly Journal*, 1801, pp. 215–218. Adopted by yeas and nays, 86 to 59.

that of public opinion; nor will it need the mercenary support of any privileged class of men, however influential they may be.

May he whose kingdom ruleth over all, direct and bless your whole administration and yourself.

#### REPLY OF PRESIDENT JEFFERSON.<sup>1</sup>

WASHINGTON, Nov. 20, 1801.

Sir,—I received with great satisfaction, the address you have been pleased to enclose me from the House of Representatives of the Freemen of the State of Vermont. The friendly, and favorable sentiments they are so good as to express towards myself, personally, are high encouragement to perseverance in duty, and call for my sincere thanks.

With them I join cordially in admiring and revering the constitution of the United States, the result of the collected wisdom of our country. That wisdom has committed to us the important task of proving by example, that a government, if organized in all its parts on the Representative principle, unadulterated by the infusion of spurious elements; if founded not in the fears and follies of man, but on his reason, on his sense of right; on the predominance of the social, over his dissocial passions; may be so free as to restrain him in no moral right, and so firm as to protect him from every moral wrong. To observe our fellow citizens gathering daily under the banners of this faith, devoting their powers to its establishment, and strengthening with their confidence the instruments of their selection, cannot but give new animation to the zeal of those, who, steadfast in the same belief, have seen no other object worthy the labors and losses we have all encountered.

To draw around the whole nation the strength of the general government, as a barrier against foreign foes; to watch the borders of every State, that no external hand may intrude, or disturb the exercise of self-government, reserved to itself; to equalize and moderate the public contributions, that while the requisite services are invited by remuneration, nothing beyond this may exist, to attract the attention of our citizens, from the pursuits of useful industry, nor unjustly to burthen those who continue in those pursuits; these are functions of the general government, on which you have a right to call: They are in unison with those principles, which have met the approbation of the Representatives of Vermont, as announced by myself on the former and recent occasion alluded to. These shall be faithfully pursued, according to the plain and candid import of the expressions in which they were announced. No longer than they are so, will I ask that support, which, through you, has been so respectfully tendered me. And, I join in addressing him, whose kingdom ruleth over all, to direct the administration of their affairs to their own greatest good.

Praying you to be the channel of communicating these sentiments to the House of Representatives of the freemen of the State of Vermont, I beseech you to accept for yourself personally, as well as for them, the homage of my high respect and consideration.

TH. JEFFERSON.

*Amos Marsh, Esquire, [Speaker of the House.]*

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<sup>1</sup>*Haswell's Vermont Gazette* of Jan. 4 1802.

ADDRESS TO PRESIDENT JEFFERSON—1803.<sup>1</sup>

*To the President of the United States.*

Sir,—Tho' opposed to frequent addresses to those who fill important stations in our government, yet there are times when it would be improper to refrain from expressing our grateful acknowledgments to the Ruler of the Universe for the prosperous situation of our common country, and our approbation of those who guide the helm of state. While we view the United States, individually and collectively—rapidly increasing in wealth and population, secured in the uninterrupted enjoyment of life, liberty and property, and almost without contention with any foreign nation; we cannot forbear congratulating you, sir, on the happy effects of those principles, put in operation, which have so frequently appeared in your official communications.

The late suspension of our right of deposit at New Orleans excited an universal spirit of indignation; a spirit which must convince the world that while we earnestly desire to maintain peace with the whole family of mankind, we will not tamely submit to injury or insult from any nation on earth.

While we contemplate the acquisition of an extensive and fertile territory, with the free navigation of the river Mississippi, we cannot but venerate that spirit of moderation and firmness, which among divided councils finally enriched our country without the effusion of blood: and it is with much satisfaction we learn from the highest authority, that no new taxes will be requisite for the completion of the payment for this valuable acquisition. Permit us then to tender to you, sir, our warmest thanks for the conspicuous part you have taken in this important arrangement.

We gratefully contemplate those humane and benevolent measures which civilize our once savage neighbors, and learn them to exchange their hostile weapons for the implements of agriculture and household manufacture.

We recognize with sentiments of esteem, that vigilance and parental care which has enlarged our territory by a negotiation with one of the friendly tribes of Indians.

From knowing that our maritime force is diminished, and that our trade is still protected, we obtain imposing proof, that vigilance and economy go hand in hand in the management of our governmental affairs.

The flourishing state of our treasury demonstrates our growing greatness, and must convince every good citizen that the indecent and vilifying expressions too frequently uttered through the medium of the press against the administration of our government, must finally, with equal certainty as justice, revert on the authors.

Your advice to the house of representatives respecting our conduct towards the contending powers of Europe, merits our highest approbation.

From our own feelings, as well as from the general knowledge we possess of the sentiments of our constituents, you may be assured that the hardy sons of Vermont, though earnestly engaged in their peaceable pursuits, will be ready to fly, on the call of their country, at the risk of their lives, their fortunes and domestic felicity, to maintain their rights as an independent nation—preferring every consequence to insult and habitual wrong.

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<sup>1</sup> Printed *Vermont Assembly Journal*, 1803, pp. 264-266.

Permit us to assure you of our most earnest wish that every possible happiness may attend you through life, and that you may finally receive the plaudit of the great Judge of all.

REPLY OF PRESIDENT JEFFERSON.<sup>1</sup>

*To the General Assembly of the State of Vermont.*

I join you, fellow citizens, in grateful acknowledgments to the Ruler of the universe, for the prosperous situation of our common country, its rapid increase in wealth and population, and our secure and uninterrupted enjoyment of life, liberty and property. He conducted our fathers to this chosen land, he has maintained us in it in prosperity and safety, and has opened the hearts of the nations, civilized and savage, to yield to us enlargement of territory, as we have increased in numbers; to fill it with the blessings of peace, freedom and self government. It must be a great solace to every virtuous mind, that the countries lately acquired are for equivalents honestly paid, and come to us unstained with blood.

Sensible as we are of the superior advantages of civilized life, of the nourishment which industry provides for the body, and science for the mind and morals, it is our duty to associate our Indian neighbors in these blessings, and to teach them to become members of organized society.

The spirit which manifested itself on the suspension of our rights of deposit at New Orleans, the cool and collected firmness with which our citizens awaited the operations of their government, for its peaceful restoration, their present approbation of a conduct strictly neutral and just between the powers of Europe now in contention, evince dispositions which ought to secure their peace, to protect their industry from new burthens, their citizens from violence, and their commerce from spoliation.

The falsehoods and indecencies you allude to, in which certain presses indulge themselves habitually, defeat their own object before a just and enlightened public. This unenviable and only resource, be it our endeavor to leave them, by an honest and earnest pursuit of the public prosperity.

I thank you, fellow citizens, for the affectionate expressions of your concern for my happiness, present and future; and I pray heaven to have yourselves, as well as our common country, in its holy keeping.

THOMAS JEFFERSON.

December 18th, 1803.

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<sup>1</sup>Printed *Assembly Journal* of January session 1804, pp. 6 and 7.

## APPENDIX I.

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### OBITUARY NOTICES OF GOV. THOMAS CHITTENDEN AND DOCT. JONATHAN ARNOLD.

ON THE DEATH OF GOV. CHITTENDEN.—Aug. 25 1797.<sup>1</sup>

*"Take him for all in all*

*"We ne'er shall look upon his like again."*

To preserve from oblivion such characters as have been eminently useful to society, ought to be the business of the biographer. And we should be happy if the limits we are restricted to in the present essay, did not too narrowly circumscribe us in our attempt to draw the outlines of the character of our late worthy governor. We hope some abler pencil will add all the fine strokes to the portrait, which it justly merits; and when newspaper paragraphs shall be forgotten, the impartial page of history shall place his honored name among the list of heroes, philosophers, and statesmen, who adorned the American revolution and dignify human nature.

THOMAS CHITTENDEN descended from a respectable family, who were among the first settlers in the then colony of New Haven. His mother was sister to the late Rev. Doctor Johnson, father to President Johnson of Columbia college, New York.<sup>2</sup>

He was born in East Guilford, state of Connecticut, in the year 1730, and received a common school education in his native town, which in those times was but indifferent.

Agreeable to the custom of New England he married early in life, viz. in his twentieth year, into a reputable family by the name of Meigs, and removed with his young spouse to Salisbury, in the county of Litchfield. Here, as he advanced in years his opening worth attracted public attention, and by a regular advance he passed through the several grades in the militia, to the command of a regiment. He many years repre-

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<sup>1</sup>From the *Vermont Gazette* of Sept. 12 1797.

<sup>2</sup>Rev. Dr. Samuel Johnson, the uncle of Gov. Chittenden, was the first president of King's (now Columbia) college, New York; an Episcopal clergyman of great learning, judgment, and benevolence; and author of several works, two of which were printed in Philadelphia, by Dr. Franklin, as text books for the University of Pennsylvania.—Drake's *Dictionary of American Biography*. For a notice of Hon. Dr. William Samuel Johnson, a cousin of Gov. Chittenden, and also president of Columbia college, see Vol. II, p. 149, note <sup>2</sup>.



sented his town in the general assembly and discharged the office of a justice of the peace for the county of Litchfield. Destitute of a finished education, without a learned profession, he applied himself to the study of agriculture, and laboured personally in the field. By his natural stability, good sense, affability, kindness, and integrity, he gained the confidence of his fellow citizens, and many important offices which the town of Salisbury had to bestow were secured to him. With a numerous and growing family, a mind formed for adventures, and a firmness which nothing could subdue, he determined to lay a foundation for their future prosperity by emigrating on to the Newhampshire grants: In the year 1773 he removed to Williston on Onion river; some part of the way was through an almost trackless wilderness; here he settled on fine lands which opened a wide field for industry, and here he assisted and encouraged many new settlers. In the year 1776 the troubles occasioned by the late war rendering it necessary for him to remove, he purchased an estate in Arlington, and continued in that town until 1787, when he returned to his former residence in Williston. During the troubles occasioned by the claims of New-York on the Newhampshire grants, Governor Chittenden was a faithful adviser, and a strong supporter of the feeble settlers. During the American revolution, while Warner, Allen, and many others were in the field, he was assiduously engaged in the Council of Safety at home, where he rendered essential service to his country. In the year 1778, when the state of Vermont assumed the powers of government and established a constitution, the eyes of the freemen were immediately fixed on Mr. Chittenden as their first magistrate: He was accordingly elected to that difficult and arduous office, and continued therein, one year only excepted, until his death. To presume to say how well he conducted in the most trying times would be arrogance in an individual; let the felicity of his constituents evince, let the history of Vermont declare it. From a little band of associates, he saw his government surpass a hundred thousand souls in number; he saw them rise superior to oppression, brave the horrors of a foreign war, and finally taking her oppressor by the hand, receive her embrace as a sister state, and rise a constellation in the federal dome.

He enjoyed an excellent constitution until about a year before his death. In October last he took an affecting leave of his compatriots in general assembly, feelingly imploring the benediction of heaven on them and their constituents. He some time since announced his declining the honor of being esteemed a candidate at the ensuing election, and died on the 24th [25th] ult. as we are informed, without apparent distress, and even without a groan.

That governor Chittenden was possesst of great talents and a keen discernment, in affairs relative to men and things, no one can deny. His conversation was easy, simple, and instructive, and although his enemies sometimes abused his open frankness, yet it is a truth, that no person knew better how to compass great designs with secrecy than himself. His particular address and negociations during the late war, were master-strokes of policy. His talents at reconciling jarring interests among the people were peculiar. His many and useful services to his country, to the state of Vermont, and the vicinity wherein he dwelt, will be long remembered by a grateful public, and entitle him to be named with the Washingtons, the Hancocks, and Adamses of his day. Nor were his private virtues less conspicuous: In times of scarcity and distress, too common in new settlements, never did a man display more rational or more noble benevolence. His granary was open to all the needy. He was a professor of religion, a worshipper of God, believing in the Son to the glory of the Father. Such was the man, and such the citizen Vermont has lost. Superior to a PRINCE, A GREAT MAN here has fallen.

ON THE DEATH OF DR. JONATHAN ARNOLD.—Feb. 1 1793.<sup>1</sup>

*The following was extracted from a Providence [R. I.] paper of March 9 [1793.]*

The Hon. JONATHAN ARNOLD, Esq. (whose death was mentioned in our last) departed this life at his house in St. Johnsbury, in the state of Vermont, on the 1st ult. in the 53d year of his age. He was a native of this town, and descended from one of its first settlers. For some time he was one of its representatives in the General Assembly, and afterwards filled the place of an assistant to the Governor in Council. In the late war, he commanded the independent company of grenadiers of this town; and was a delegate from this state to Congress under the old confederation. He was educated a Physician, and chosen by this state, in the late war, director of their Hospitals. At the time of his death, he was Chief Justice of the court of common pleas for the county of Orange, and a member of the Governor's Council in Vermont. Among the first traits of his character, was a peculiar accuracy in penmanship, and excellence in composition—this qualification, at an early period in his life, recommended to the office of Clerk of the Superior Court [of Rhode Island,] a place which he filled, as he did every other office, with singular ability, integrity, and applause. He had a rare taste for music and poetry, and was himself a proficient in both. His knowledge was practical, and the objects of it the best interests of society. The improvements made by him in mechanics evince the force of an original genius. His capacities were general and variegated as the arts of human life, all of which he seemed calculated to advance and improve. He took an active and zealous part in establishing the independence of this country. He was a republican of the genuine stamp. He hailed men of all nations as his brethren; and gloried in the doctrine of their *natural equality*. His social virtues are not to be forgotten. He was an entertaining companion, and a faithful friend. He had power to strike the attention, engage the affections, and attach the heart in the bands of friendship—to smooth the wrinkled front of care, and calm the mind in friendly relaxation. In fine, let the reader figure the most extraordinary assemblage of virtues and abilities—these were all seen in the real life of Dr. ARNOLD.

*“ Slave to no Sect, who takes no private Road,  
 “ But looks thro’ Nature up to Nature’s God—  
 “ And knows where Faith, Law, Morals all began,  
 “ All end—in Love of God, and Love of Man.”*

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<sup>1</sup> From *Spooner’s Vermont Journal* of July 8 1793.

## APPENDIX J.

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### GOVERNOR'S SPEECHES TO THE LEGISLATURE—1797-1803.

#### SPEECH OF GOV. TICHENOR.—1797.

IN GRAND COMMITTEE, Oct. 16 1797.

The requisite oaths being administered by the honorable Nathaniel Chipman, Esq. Chief Judge of the supreme court of judicature, his excellency then addressed the legislature in the following speech, viz.  
*Fellow Citizens of the Council & General Assembly.*<sup>1</sup>

Accustomed to regard the public voice with sentiments of respect, I now appear before you to resign the Office of Senator of the United States, and accept the more arduous & difficult task allotted to the Chief Magistrate of this State. While I acknowledge, with gratitude, this token of the public confidence, it is with diffidence and anxiety that I contemplate the difficulties which I shall have to encounter, in discharge of the Duties attached to it; and nothing but a firm reliance on your candour, friendship and support, under the present existing state of things, would have induced me to hazard an acceptance of the important trust: but however uncertain may be the Success of my administration, no endeavours shall be wanting, on my part, to discharge my Duty with fidelity to the public, and satisfaction to my own Conscience.

The general prosperity which attends the public affairs of this State, cannot but afford us much encouragement and satisfaction.—Freed from the embarrassments which attended us in the infancy of our government—Favored with the blessings of an excellent Constitution—Zealously attached to the Interest, prosperity & Glory of our Country—Free from the alarms and Distresses of War, from foreign manners, influence & Connexions; depending on agriculture, the most certain of all resources; perhaps few States in the Union, can be considered in a more favourable situation, or have fairer prospects of deriving substantial benefits from a judicious regulation of their internal affairs.

It has become our Duty to consult and promote the interest of our fellow Citizens, by a faithful discharge of the different offices and trusts which have been assigned to us; and in the performance of this Duty, we ought invariably to be governed by the Constitution of this State, which, designating our various powers, while we adhere to it, in every Legislative & Executive act, we shall proceed on established & just principles. And in all our deliberations upon measures calculated to promote the happiness and prosperity of the state with which we are more immediately connected, we ought to have a constant view to the great Interests of the Nation, of which this State constitutes, though not the greatest, yet a very respectable part.

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<sup>1</sup> This speech is copied from the original manuscript in *Ms. Vermont State Papers*, Vol. 38, p. 31.

All the burden of national concerns is by the Constitution of the United States, delegated to the national Government; to that government it belongs to regulate our intercourse with foreign Nations,—to secure their friendship by every mean, consistent with our national dignity, our national happiness and prosperity; or, in Cases of the last necessity, with the combined powers of these States, to repel all hostile invasions of our rights.—From this same Government we derive an additional Guarantee of our internal tranquility & the freedom of our Laws & Government.

The wisdom with which that Gov<sup>t</sup> has been administered, in the times of the greatest Difficulty and danger—the success which has hitherto attended the national measures—the known experience, firmness, & integrity of those who are placed at the head of its Administration, ought to inspire us with a proper Degree of Confidence in the future, & to excite us to every patriotic exertion, in support of those measures, which, under *Providence*, may secure the national prosperity. Happily the Constitution of this State & that of the United States, tho' embracing different objects, are founded in the same republican principles, & coincide in the same important end, the security of the Rights & happiness of the People; Constitutions thus coincident, & confirming each other, leave no room for a difference of principle, but only for a diversity of sentiment respecting measures, best suited to promote the public Interest. There cannot, therefore, be any just occasion among us, for the spirit of party & faction, the greatest evil to which republican Governments are subject; it is only in judging of the tendency & utility of the measures of Gov<sup>t</sup> that there can be the prospect of a diversity of Sentiment; while principles are the same the freest debates & the most critical examination of every subject that may come before you will be of the greatest use; and on every subject while the majority must in all cases decide, temperance & candor will best conduct the Debate.

The necessary business of the Session will come before you from a variety of sources. From the sudden transision of an appointment in the federal Government to the Office & Duty on which I now enter, it cannot be expected, that I should be prepared to detail to you the public business, which will demand your consideration. Any communications which may have been made to my deceased Predecessor, Gov<sup>r</sup> Chittenden, shall be laid before you: and while I mention his name, permit me to pay a respectful tribute to his memory. It must be a pleasing reflection, not only to his particular friends, but to our fellow Citizens at large, that under his administration, this Gov<sup>t</sup> has flourished & obtained a respectable Character among her Sister States. The public good unquestionably was the chief object, to which his political conduct was directed.

*Gentlemen of the House of Representatives.*

The state of the public expences & Revenues is an object which most properly belongs to your Department, & cannot fail to engage your careful attention. The Economy that will prove eventually the most favourable to the People, is to guard ag<sup>t</sup> the introduction of a public Debt; nothing of this nature ought to exist in a time of prosperity & peace; and in whatever form a public Debt may exist, it cannot fail, in its operations, to prove unfavourable to the People. While the public expences are managed with Economy, the easiest way to support them, will be to make the annual provision always adequate to the necessary expenditures.

*Gentlemen of the Council and General Assembly,*

In any measures which may tend to the promotion of education, & the progress of useful knowledge, in this State,—to the encouragement

of industry & frugality, so necessary to the happiness & prosperity of a People,—to insure uniformity & stability to our Code of Laws, without which justice cannot be impartially administered, & to give an extensive & lasting influence to the principles of Virtue & Religion, I shall be happy to co-operate in your Councils & Labours.

As, by our Constitution & Laws, the powers of the different branches of our Govt in appointments, in many respects, are to be as well jointly as separately exercised—you will permit me to observe, that it is from among Men of Principle, Virtue and integrity you will find the best public officers; and it is from [the influence of] such men that the wisest measures of Govt are adopted, and a steady conformity to the Constitution & Laws of our Country is secured;—By a faithful discharge therefore of the Duties, as well joint as separate, thus deligated, you will exhibit to the good People of this State, an example worthy of their confidence. [Signed ISAAC TICHENOR.]<sup>1</sup>

His Excellency the Governor and Council withdrawing, the house proceeded to business.

On motion, *Resolved*, That Mr. Israel Smith, Mr. Amos Marsh, and Mr. Speaker [Abel Spencer,] be a committee to draft an answer to his Excellency's speech to both branches of the legislature.

Accordingly, on the 18th of October, Mr. Smith reported an answer, responding *seriatim* to the sentiments of the governor. This answer was laid on the table, and seems to have been left there. It was not printed in the Vermont newspapers of that period.<sup>2</sup>

#### SPEECH OF GOV. TICHENOR.—1798.

IN GENERAL ASSEMBLY, Oct. 12 1798.

His excellency the governor, accompanied by the honorable council, came into the house, and delivered the following speech.

*Gentlemen of the Council, and gentlemen of the House of Representatives.*

The political world presents no fairer sight, than the representatives of an independent people convened to deliberate for the common good, and with united information and abilities, to advance the common prosperity.

Collected, indiscriminately from the various classes of our citizens, from all parts of the state, you bring with you to this assembly the unequivocal representation of the interests of your constituents; and your persons and property, being subject equally with theirs, to your legislative doings, affords them a complete assurance of the integrity of your official conduct.

I rejoice that the beneficent Ruler of the universe has been pleased to continue unto us the blessings of our excellent constitution of government. I sincerely rejoice that, in the course of his providence, we are connected with our sister states, in one general government. As a separate state, we were comparatively weak; sometimes, disquieted with domestic insurrections, and at all times exposed to foreign insults: we have become with them, strong to depress domestic inquietude, and to repel foreign oppression [aggression].

<sup>1</sup> See printed *Assembly Journal* for '1797, pp. 22–27, where the speech is slightly changed—probably by the governor.

<sup>2</sup> Same, pp. 27, 28, 55–58.

Let me congratulate you, gentlemen, upon the prosperity of our public affairs; both as we stand related to the union at large, and as it more immediately relates to our internal concerns, as an individual state.

The prosperity of the United States should be considered as dear to us as our own; the interests of both are in fact inseparably connected. As a member of the union, we may pride ourselves in the wisdom, integrity, and firmness of the administration of our general government. By its wisdom, the specious designs of the French rulers, to involve us in a ruinous war, have been discovered and frustrated; by its integrity, a rational love of our own country has been adhered to, in lieu of an enthusiastic preference of a foreign power, and the demand of a degrading tribute boldly resisted; and by its firmness, the wanton depredations upon our commerce have been checked upon our coasts, and the ships of lawless freebooters have been subjected to just reprisals.

Though we cannot with propriety be called a commercial state, yet as the sale of the produce of our farms intimately depends upon its exportation from the seaports of our sister states, when their commerce is destroyed, the tiller of the soil is involved in its ruin; and the enemy, who captures the cargo of the merchant, gives a mortal blow to the harvest of the husbandman.

The return of Mr. Gerry, the last of our insulted messengers of peace [to France,] although without effecting the object of their mission, must be considered, by every discerning man, as a fortunate event: an event which must confound the advocates for French amity, dissolve the last ligaments which bind us to that aspiring, perfidious nation, and convince the most obdurately incredulous, that friendly and sincere proffers of amicable accommodation can have no avail with men whose ambition is gain, and whose policy is plunder. The prolongation of a treaty, the manifest object of which was to delude us with the prospect of adjustment and indemnification for our losses, while the most flagrant injuries to our trade and insults to our neutral rights were professedly continued, could not be desirable.

As a respectable member of the union, it behoves us at this momentous period, when the Sovereignty of our nation is threatened, to express in the most decided manner, by our official acts, our confidence in, and adherence to our national government, and to convince France that, notwithstanding the liberal efforts of some deluded and designing men among us, we are not a *divided people*; and that she may no longer presume upon that intestine division of political sentiments, which has so long invited her insults, and to which so many European Republics have fallen a sacrifice.<sup>1</sup>

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<sup>1</sup>This part of the speech is a response to the appeal of President Adams to Congress and the country, on the speech of the French President Barras as delivered upon taking leave of Mr. Madison as the American minister, in which Barras emphatically denounced "the American government" as condescending "to the suggestions of her former tyrants," and called upon the *American people*, "always proud of their liberty," never to forget "that they owe it to France."—See *American State Papers*, octavo edition of 1817, Vol. 3, pp. 489-90. President Adams said, in his message to Congress of May 16 1797:

Such attempts ought to be repelled with a decision which shall convince France, and the world, that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be

The instructions of our federal executive to our Envoys to France are strongly marked with candour, and breathe the purest desires for peace; while the diplomatic interference<sup>1</sup> of our Envoys indisputably evidences the rectitude of our national conduct. While, on the other hand, the conduct of the French Directory displays a series of diplomatic subterfuge, and insidious attempts to seduce the affections of our unwary citizens, and inflame the passions of bad men against the administration of our general government; and instead of meeting our demands for redress, upon the fair field of discussion, they haughtily demand of us large sums of money, for the *beggarly* liberty of uttering our complaints. May we not congratulate ourselves, that a period is put to this deceptive and degrading negociation?

America must now, under God, look to her own resources. and the valour and patriotism of her own citizens, for that justice which she has in vain sought from French *uprightness*, or French *friendship*.

I rejoice, Gentlemen, that such is the state of our Finances, and the general prosperity of our internal concerns, that we are prepared to meet any exigencies, to which our national concerns may expose us, without any peculiar embarrassments. By the wise provision of our last Legislature, it will appear from the exhibits of our Treasurer, that there is in the Treasury the sum of fourteen thousand dollars, a sum equal to the discharge of our civil expenses, to the payment of the average of the thirty thousand dollars due to the state of New-York, and, it is presumed, sufficient for all the outstanding hard money orders. Give me leave to remark upon this species of state's security, that while our taxes are regularly voted, levied and collected, and money remains in public bank, there appears a manifest want of economy in the issuing orders bearing an interest; which orders have become the subject of trade, are often sold at discount, and the interest seldom profits the honest creditor of government, but oftener enhances the gains of the speculator. Permit me to recommend to your attention the calling in of these orders; and that some provision be made to prevent the issuing of them in the future. As an inducement to this measure it may be observed, that more impediments to the adjustment of the public accounts, with the treasurer, have arisen from this source than from any other.

I shall lay before you some communications from the general government, and from the executives of neighboring states. That from the governor of the commonwealth of Massachusetts is of such import it may be proper to communicate [it] immediately, that it may be subject to mature deliberation.

Provision you are sensible is made in the federal Constitution for such amendments as may receive the sanction of the Legislatures of nine states.<sup>2</sup> His excellency, Governor Sumner, has forwarded to me, for your consideration, a resolve of the legislature of Massachusetts, passed June 28th, of the current year, in which, after noticing the expediency "that every constitutional barrier should be opposed to the introduc-

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the miserable instruments of foreign influence; and regardless of national honor, character and interest.—See same volume of *American State Papers* above referred to, p 87.

For the response of Vermont, see address to President Adams in *Appendix H*.

<sup>1</sup> "Intercourse" in the Vermont newspapers.

<sup>2</sup> An error, owing perhaps to the provision that the original constitution should be adopted on the consent of nine states.

tion of foreign influence into our councils," they propose that the constitution of the United States should be so amended that "no person shall be eligible as President, or Vice President of the United States, nor should any person be a senator, or representative in the Congress of the United States, except a natural born citizen; or unless he should have been a resident in the United States at the time of the declaration of independence, and shall have continued, either to have resided within the same, or to have been employed in its service, from that period to the time of his election."

The expediency of this amendment must be referred to your wisdom. I will not presume to dictate, but I think it obvious, that a government can be best administered by its own citizens; and this amendment may perhaps free us from those visionary schemes of policy, which foreigners, unacquainted with the genius, habits, and interests of our community, may rashly intrude upon our national councils.<sup>1</sup>

The recent and excellent revision of our municipal laws [1797] will necessarily abridge your session; impressed with the propriety of economising the monies of your constituents, I am persuaded you will render it short as possible. No endeavour on my part shall be wanting to forward the dispatch of public business. I wish you, Gentlemen, an agreeable session, and fervently pray the great arbiter of events to direct all your deliberations to the public good.

ISAAC TICHENOR.

His excellency the Governor and Council then withdrew.<sup>2</sup>

#### ANSWER OF THE ASSEMBLY,

IN GENERAL ASSEMBLY, Oct. 12 1798.

On motion, *Resolved*, That a committee of three be appointed to prepare and report an answer to his Excellency's speech to both houses.

And a committee was appointed of Mr. [John W.] Blake, Mr. [Daniel] Chipman, and Mr. [Samuel] Cutler.

Oct. 19.—The committee appointed to prepare and report an answer to His Excellency's speech to both houses, reported an answer, which was read and ordered to lie.

Oct. 20.—The house then took under consideration the answer to the governor's speech, reported to this house on the 19th, in the words following, to wit,

*"To His Excellency, Isaac Tichenor, Esquire, governor of the State of Vermont.*

"Sir, As the representatives of the Freemen of Vermont, assembled agreeable to our Constitution, you cannot entertain a doubt, that we are disposed to express the sentiments of our constituents; and, by the aid of the Executive, we trust, fully competent to advance the common interest of our fellow citizens.

"We shall always look to the era of our national government as the commencement of our national prosperity; and under the smiles of Divine Providence, we shall pray for its continuance. United with our sister states, we shall always be able to repel foreign invasion, or chastise domestic insurrection. While from experience, we place great confidence in the executive of the United States, and admire the juvenile feats of our infant navy, we consider agriculture and commerce too nearly allied to suffer a separation. Our interest is immediately connected with the one; our exertions shall tend to protect the other.

"We view, with indignation and concern, the depredations committed

<sup>1</sup> See *Appendix B*.

<sup>2</sup> Printed *Assembly Journal* of 1798, pp. 10-16.



by the French on our commerce; the insults offered to our government through our messengers of peace; and the insidious attempts, which have been unceasingly made, to separate the people from their government. But, Sir, the veil is removed.—Let us adopt an old motto,—*Liberty or Death!* The French nation, oppressed by their leaders, and deprived of everything like constitutional liberty; their object conquest, and their policy plunder, are unqualified for negotiation. We therefore rejoice in the return of our envoys; and may we only speak to them through the mouths of our cannon, until they come to a sense of the injuries they have done us, and a wish to repair them. We feel a national pride, and place full confidence in the valor of our citizens, and our own resources.

"The situation of our treasury will claim our earnest attention, and every measure in our power shall be used to meet the public exigencies with promptness and economy. The communication from our sister state of Massachusetts is important, and comes from so respectable a branch of the union that it cannot fail of receiving from us full discussion and deliberation. The Constitution of the United States wisely provides for its own amendment: but the power should only be used upon a full conviction of its utility.

"We cannot close this reply to your address without expressing our entire approbation of your administration for the past year; and our sincere wishes that your usefulness may be long continued to your country."

Mr. W. C. Harrington then introduced the following resolution, to wit, *Resolved*, That the foregoing answer to the speech of his Excellency the governor, delivered at the opening of the house, pass; and that it be signed by the Speaker in behalf of this House; and that a committee, consisting of three members, be chosen to deliver the same to his Excellency the Governor; and that the said committee be nominated by the speaker.

The same being agreed to by the house, Mr. Blake, Mr. [Udney] Hay, and Mr. [Roswell] Olcott were nominated and appointed.<sup>1</sup>

It will be observed that this war-charged address was agreed to by both parties in the Assembly. On the same day, and immediately succeeding the adoption of the foregoing paper, the question was taken on a like address to President Adams, when twenty-three members voted against it, for the reason that it approved of *all* of the official conduct of the President.—See *Appendix H*.

That the voice of Vermont was for war, irrespective of party preferences, is evident from the fact that a forcible appeal from Gen. Eli Coggswell was favorably responded to by the legislature of 1798.—See printed *Assembly Journal*, pp. 37-39.

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#### SPEECH OF GOV. TICHENOR—1799.

IN GENERAL ASSEMBLY, Oct. 12 1799.

His Excellency the Governor and Council appeared in the House, and having taken their seats, his Excellency delivered the following speech, to wit:

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<sup>1</sup>Printed *Assembly Journal* of 1798, pp. 10-17, 66, 73-75.

*Gentlemen of the Council, and Gentlemen of the House of Representatives.*

The confidence of his constituents affords the highest pleasure an upright magistrate can receive; the continuance of that confidence, expressed in their annual suffrages, gives a sanction to his official conduct, and is indeed his best reward; but even this enjoyment is heightened, when he perceives the state, over which he presides, in the possession of peace and prosperity, and the nation advancing in riches and honor. That I eminently enjoy this rich satisfaction, a cursory display of the public concerns of the state, and the Union, will abundantly illustrate.

In our inland state agriculture attaches primary attention. We have to rejoice that our early harvest has been plenteous, and the latter harvest promises speedily to gratify the brightest hopes of the husbandman. While we deplore the pestilence,<sup>1</sup> which has thinned the seaports of our sister states, our mountains and our vallies have been the habitations of health: while war has ravaged other countries, our happy interest in the Federal Union has preserved our land in peace: and while domestic tumult has destroyed the tranquility of others, we have to rejoice that no daring insurrection has disgraced our Government; and that our citizens continue to venerate Religion, Morality, and the Laws.

We may congratulate ourselves, that at no period since the formation of our government, were the duties of the Legislature less arduous. By the wise and prudent arrangement of the last and preceding Legislatures, the debts that were contracted in support of our revolutionary war, and for extinguishing the claims of a neighboring state, are now happily discharged; and the people of this state, accustomed to industry, temperance, and frugality, are in general prosperous and happy, under a system of laws wisely adapted to our local situation, and adequate to the general exigencies of Government.

As a state, however, we have the ensuing year to meet some expences which, although reasonable, and by no means burthensome, will call for the exercise of public economy: I allude to the direct tax of the United States, and the sitting of the Council of Censors, which, if the result of their wise deliberations should conclude in calling a Convention, would enhance the demands on the public chest. Perhaps it may not be amiss, on this occasion, to suggest the expediency of the Legislature's giving the efficacy of example to the precept of economy.

The last time I had the honor to address you, our national prospects were clouded, and nothing but a firm reliance, under heaven, in the justice of our cause, and a well grounded confidence in the wisdom of the Chief Magistrate of the Union, and the patriotic energy of our national administration, could have supported the discerning citizen in the assurance of the welfare of his country. But no sooner had the United States assumed a firm and decided attitude, no sooner had our nation equipped and manned her Navy with her native citizens, and enacted salutary laws for the defence and protection of our rights, than foreign aggressors abridged their depredations. Our commerce, under the protection of our Flag, at once revived; and the citizens of the United States, daily experiencing the beneficial effects, manifest their approbation and support: even the combined powers of Europe envy the wisdom and patriotism of our administration, which, without the horrors of open war, has already procured us the respect, and I trust will soon secure us that justice from the French rulers, which they themselves cannot retain, without the sacrifice of abundant blood and treasure.

If, as a member of the Union, we are called upon to defray our pro-

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<sup>1</sup>The yellow fever, which had been very fatal.

portion of public monies, for the support of measures which have for their objects the security of our excellent governments, the preservation of our property, of our civil and religious rights, and the protection of our commerce, upon which (I cannot too often repeat) the success of our agriculture ultimately depends, what good citizen is there among us that would not yield a ready compliance?

An unfortunate event, which took place near the north line of this state, within the province of Canada, in February last, and which, in its consequences, might have interrupted that good neighborhood, which it is the mutual interest of people inhabiting adjacent territories to preserve, has led to a correspondence between the Executive of his Britannic Majesty's province of Lower Canada and myself. I shall now only add, that we are indebted to the liberality and justice, which has distinguished the conduct of his Excellency the late Governor Prescott, and the coincidence of the present commander in chief, Governor Milnes, for a happy and amicable adjustment of this disagreeable business. As this correspondence particularly appertains to the executive branch of our Government, I shall lay it before the Council, whose wisdom will direct such further communication as they may think proper.<sup>1</sup>

I shall communicate to you certain Resolutions from the states of Virginia and Kentucky. These resolutions, in some of our sister states, whose opinions we respect, have met with severe comment; in others, with marked contempt: it remains for you to reply to them in the manner you shall judge they merit. For my own part, I have not the smallest hesitation in predicting that they will meet your decided disapprobation: because they contain principles hostile to your best interests, and because I know you love your country, and are rationally attached to the principles of our excellent Federal Constitution.<sup>2</sup>

I wish you an agreeable session, and ardently pray the Governor of the Universe, to direct all your deliberations for the best good of your constituents, and welfare of your Country. ISAAC TICHENOR.

#### ANSWER OF THE ASSEMBLY.

His Excellency the Governor and Council having withdrawn, *Ordered*, That a committee be appointed to prepare and report an answer to the speech of his Excellency the Governor to both branches of the Legislature: and a committee was appointed of Mr. [Daniel] Chipman, Mr. [Udney] Hay, and Mr. [Rev. Asa] Lyon.

Oct. 21 1799.—Mr. [Daniel] Chipman, from the committee appointed to prepare and report an answer to the speech of his Excellency the Governor delivered before both branches of [the] Legislature on the twelfth instant, reported an Answer, which was read in the words following, to wit.

*"To His Excellency Isaac Tichenor, Esquire, Governor of the State of Vermont.*

"Sir, The confidence of your constituents expressed by a decided majority of their annual suffrages, affords the highest satisfaction to the General Assembly. While the people are the source of power and honor, their grateful approbation must be the best reward the Chief Magistrate can receive for his continued service. With you, sir, we sincerely rejoice that, under your administration, the state is in a high degree prosperous and happy; that the bounties of providence have been so lib-

<sup>1</sup>See special message on this subject, *post* p. 514.

<sup>2</sup>See Appendix K.

erally bestowed, the blessings of health and peace so generally enjoyed ; and the honor and felicity of the nation so extensively increased. To behold our citizens rapidly advancing in habits of industry and economy, the science of government generally understood among the people, and a high veneration for religion, morality and the laws, gives us the fullest assurance that ill founded jealousy of our rulers cannot exist, nor the ambitious and designing find means to discourage the upright Magistrate. We predict, with pleasure, the encrease of well founded confidence in the state and general governments, built upon the firm basis of our happy constitution.

"The discharging of past debts and the present state of the treasury, are a noble evidence of the wisdom and prudence of our former Legislatures. Our present resources, managed with a wise frugality, which this Legislature will not fail to enforce by example, will enable us to meet with promptitude any expense which this, or the general government may require.

"The wisdom and firmness of the Chief Magistrate of the Union, supported by the patriotic energy of the national Legislature, have been crowned with success, beyond the most sanguine expectations of our citizens. With pleasure we behold the late gloom dispelling, and a prospect opening, which nothing but a full reliance, under Heaven, in the justice of our cause, and a firm confidence in the wisdom of our national administration, could have led us to expect. Our commerce is protected, our rights are defended against lawless invaders, and we hope soon by our energetic measures, to obtain that justice, which our messengers of peace have hitherto sought in vain. Agriculture, so nearly connected with commerce, already smiles, it gladdens the countenance of the husbandman, and fills the heart of every patriot with joy. Feeling our interest in the result of these decided measures, rejoicing in the security of our dearest rights, we wish success to every laudable enterprize, and will be ready to afford the most prompt and ample aid in our power.

"With satisfaction we received information, from your Excellency, of the accommodation of an unhappy affair, which had given serious alarm to many of our citizens : your seasonable interference, and the happy result of your correspondence, we consider is of the highest importance, and trust we shall never forget the liberality and justice of his Excellency, the late Governor, and his Honor the present Commander in Chief of his Britannic Majesty's province of Lower Canada, which in so great a degree have contributed to this event.

"Be assured, sir, that we shall duly consider the resolutions from Virginia and Kentucky, and give them that treatment which, after mature deliberation, we shall judge they merit. Our attachment to the principles of our excellent Federal Constitution is such that any sentiment or measure tending to its subversion, will be considered hostile to our best interest, and ever meet our decided disapprobation. Let constitutional rights be forever sacred, and disorganizing principles eternally detested!

"From these sentiments we shall ever act, and relying that your excellency will fully coincide in the same principles, we wish you all prosperity, and pray for the welfare of the nation."

On motion, *Resolved*, That the foregoing Answer to the Speech of his Excellency the Governor, delivered on the 12th instant, before both branches of the Legislature, be accepted; and that it be signed by the Speaker in behalf of the House; and that a committee consisting of

three members be appointed to deliver the same to his Excellency. And a committee was appointed of Mr. Speaker [Amos Marsh.] Mr. Ephraim Wheelock, and Mr. [Udney] Hay.<sup>1</sup>

The Jeffersonian republicans in this legislature numbered fifty-two, but they refrained from making any issue with the Governor, reserving themselves for a protest on the answer of the Legislature to the Virginia and Kentucky resolutions of 1798.—See *Appendix K*.

SPECIAL MESSAGE OF GOV. TICHENOR, AND ACTION OF THE ASSEMBLY THEREON.—Oct. 1799.

Oct. 19.—Mr. Speaker informed the House he had received a communication from his Excellency the Governor, which he then read as followeth, to wit:

*"Gentlemen of the House of Representatives,*

"Herewith will be laid before you by my secretary, an official correspondence between the executive of the province of lower Canada and myself, relative to, and certain other papers illustrative of the unfortunate circumstances of the death of John Gregg, who was drowned in lake Champlain, while in the custody of certain citizens of this state, who had inconsiderately arrested the deceased within the territory of his Britanic Majesty. Bills of indictment, charging these citizens with the murder of said Gregg, were found in the Colonial Court of King's Bench of Criminal Jurisdiction in Montreal, and a demand to deliver over these citizens for trial was made in consequence thereof.

"Although this was a business appropriately of an executive kind, yet as the subject of it has excited much speculation, under the advice of the Council I have thought fit to acquaint you of the measures adopted by me, for the adjustment and termination of an occurrence of so serious and delicate a nature, and hope they will meet the approbation of the honorable House. With great respect and consideration, I have the honor to be your obedient servant,

ISAAC TICHENOR.

"In Council, 19th Oct. 1799."

The official papers communicated by his Excellency to the House were then read. Whereupon, *Resolved*, that Mr. [Udney] Hay, Mr. [Jonathan] Robinson, and Mr. [Rev. Asa] Lyon be a committee to prepare and report a resolution expressive of the approbation of this House of the conduct of his Excellency, in accommodating the differences which had arisen between the governments of the province of lower Canada and this state in consequence of the unfortunate death of John Gregg.

Oct. 22.—Mr. Hay, from the committee appointed to prepare and report a resolution expressive of the approbation of this House of the conduct of his Excellency the Governor, in accommodating the differences which had arisen between the executives of the province of lower Canada and this State, on account of the unfortunate death of John Gregg, made a report which read as followeth:

*"To his Excellency Isaac Tichenor, Esquire.*

"We had the honor, on Saturday last, to receive a communication of your official correspondence with his Excellency General Prescott, late Governor of Canada, and since his departure with Lieutenant Governor Milnes, who now presides over that province. The unhappy affair, which occasioned that correspondence, had long given painful anxiety to the citizens of this state.

<sup>1</sup>Printed *Assembly Journal* for 1799, pp. 8-10, 55, 56.

"From the good understanding which has ever existed between your Excellency and this House, we flatter ourselves that you will be pleased with being informed that no sooner was the whole of your communication read, than a unanimous vote was passed, ordering an address of thanks to be presented to you, for your signal services on this occasion.

"Accept, then, our assurances that your address and good management, in bringing this unfortunate business to so happy and speedy an issue, has encreased, *if possible*, the very high esteem we have ever entertained of your patriotism, your candour, your abilities, your integrity.<sup>1</sup>

"Be pleased, Sir, to inform the honorable Lieutenant Governor Milnes that we entertain a very high sense of the liberal, candid and delicate manner in which this extremely unfortunate affair has, from its commencement to its termination, been treated by his predecessor and by him. Their conduct, when our sense thereof is known to our fellow citizens, must tend to encrease the general desire for the continuation of a mutual, a free, and amicable intercourse with the country over which he presides.

"Be pleased, likewise, to assure that Gentleman, that as the constitutional organ of our constituents, we can with safety pledge ourselves that they entertain too high a sense, and are too jealous of their own rights, ever to infringe, voluntarily and intentionally, those of any friendly nation."

*Ordered*, That the said report be accepted.<sup>2</sup>

John Griggs was a resident of Alburgh, for whose arrest John Allen, a deputy sheriff of Franklin county, held a warrant. When Allen, with assistants, came to make the arrest, Griggs had taken refuge in a brother's house, which was in Canada, a very short distance north of the boundary line. Nevertheless Allen and his men crossed the line, broke into the room of Griggs, arrested and bound him, put him into a sleigh, and proceeded southward on the ice of the lake. In passing round "the tongue" of Alburgh, the party broke through the ice, and Griggs was drowned. Allen and his associates were indicted at Montreal for murder, and the governor of Canada applied for the delivery of the indicted persons for trial in Canada. Thereupon the correspondence ensued between Gov. Tichenor and the governors of Canada, and through Tichenor's explanations and apologies the matter was happily accommodated.<sup>3</sup> The *Assembly Journal* for 1799 shows that a court of inquiry on this subject had been convened at Alburgh, in May of that year. Doubtless the court found that Griggs, as a citizen of Alburgh, was legally liable to arrest, and that his death was accidental. Of course an apology was due for invading the territory of Canada, and Gov. Tichenor made one in ample and proper terms.

<sup>1</sup> To appreciate justly this strong expression of personal favor to Gov. Tichenor, it should be remembered that the author of this address was a leader of the political opponents of the governor in the House, and that the address was adopted by a unanimous vote.

<sup>2</sup> Printed *Assembly Journal* of 1799, pp. 48-9, 64-5, 74.

<sup>3</sup> *Vt. Historical Magazine*, Vol. II, p. 496.

## SPEECH OF GOV. TICHENOR.—1800.

IN ASSEMBLY, Oct. 10, 1800.

His excellency the governor and council appeared in the house, and after having taken their seats, his excellency the governor delivered the following speech:

*Gentlemen of the Council and Gentlemen of the house of Representatives:*

In obedience to the voice of the people, it is again become my duty to meet you in General Assembly.

The affairs of Government will always be attended with difficulty, and will require much application, prudence and firmness in those on whom is devolved the arduous task of conducting its interests. It is in confidence that I shall be favored with your cordial assistance and support, that I enter upon the office and duties which the Constitution has assigned to the Chief Magistrate of this State. Collected from the different parts of the Commonwealth, you must be intimately acquainted with the various situations and circumstances of your Constituents, and with such information, it will be in your power to pursue the public welfare with candor and success, in all the consultations and measures of the present session.

The business particularly entrusted to me, by the legislature at their last Session, has been strictly attended to, and will be the subject of a future message.—[The claim of Indians to land in Vermont.]

The Auditor will lay before you a general statement of the accounts of the Treasury department; a review of the accounts of that department for several years past, when contrasted with those of former years, will show an increase of wealth in our state, and a degree of economy in the management of our finances that must be pleasing to my fellow citizens. I however consider it to be my duty once more to submit to your consideration the propriety and necessity of redeeming the public securities now in circulation, upon which, without any benefit to our Government, we are annually incurring an accumulated interest. Without adopting a measure of this kind, no complete adjustment of the Treasurer's account can be effected.

The Constitution and Laws of our Country have made it the duty of the Legislature, at this Session, to choose Electors of President and Vice President of the United States. This consideration gives a peculiar importance to the business of this Session. Those men, who are to be immediately instrumental in the appointment of persons who are to fill the highest offices our Country can bestow, ought to be selected from the most worthy of our fellow Citizens. It is sincerely to be hoped, that the importance of the crisis may induce such Electors, when chosen, to unite their suffrages on men who are attached to the interests of their country, and who are the friends of order and good government. Should the Chief magistrate of the Union be destitute of the virtues of a *Real* patriot; should a predilection for foreign principles, or an ardor for foreign theories, influence him to depart from the sober maxims of our ancestors, and from those principles of national interest which WASHINGTON recommended, in his last legacy to the people, and which ADAMS has so happily pursued in his Executive administration of the general government; in a word, should our first Magistrate be other than an Independent American, the most injurious consequences to us and our posterity are justly to be apprehended.

From the situation of this State, agriculture must be a primary and essential object of attention; separated from harbours of commerce, the inhabitants of Vermont must, at all times, look for support from the labors and productions of the field. And it is with much gratitude to

the benevolent author of nature, that we have to remark, that our prospects in this respect are highly encouraging. Not only have the harvests of the present year been greatly productive, but the general spirit of agriculture is much improving in every part of this State, and, the happy effects of it are every where to be seen in the improvements of our farmers, in the rapid increase of our buildings, and in the produce of our fields.

But while we observe, with pleasure, the improved state of our agriculture, it is of importance that we bear in mind that agriculture, in all its interests, is most intimately connected with those of commerce and manufactures, and cannot be carried on to any considerable extent, but in connection with them. If the farmer finds no demand for the produce of his land, a great part of it becomes useless ; thus the various interests of every state in the union become mutually dependent and connected ; and that, which is a benefit to the one, is an advantage to the whole.

All our interests, whether public or private, are so inseparably connected with the principles that regulate the conduct of mankind, the principles of morality and religion, that there cannot be any permanent prosperity in the one, without a steady cultivation of the other ; what can restrain the passions of men, regulate their views and pursuits, confine them to the bounds of reason, duty and integrity, produce industry, economy and regularity, or a steady obedience to the laws of our country, but substantial and permanent principles of action? And can these be expected, or will they be found, in any other principles but those of morality and religion.

If anything can be wanting to convince us of the importance of moral and christian principles, the fatal and horrid consequences, that have arisen in modern times, from treating them with neglect and contempt, must carry conviction to the mind of every person who has heard or read of the revolution in Europe. In every attempt, therefore, to promote the interests of science, the education of youth, or to render respectable the institutions and precepts of Christianity, we shall be in the discharge of a duty, highly useful in a Christian Country, and every way interesting to a free people.

While the concerns of our state government more immediately engage our attention, they are so essentially connected with the government of the United States, that we cannot discharge our duty to the former, without taking into view the interests of the latter.

The wisdom, the firmness, the prudence and success with which our late President, the great, the good, the immortal Washington, administered the affairs of the Federal Government, can never be forgotten by us, and will ever be remembered with admiration and gratitude by all succeeding generations. It was never given to any man to render more important services to his country, than was done by him to the States of America ; and were the wishes of mankind ever allowed to controul the laws of nature, that most worthy and excellent man had never died. But altho' removed to an higher sphere of action, we, and I trust all future generations of men in the United States, will share largely in the benefits he procured for his grateful Country.

The same measures of government have been pursued, by his worthy successor. The effect has been peace, prosperity, encreasing wealth and population, in every part of the United States ; while the rest of the world are involved in the miseries and calamities of civil war, slaughter and destruction, that have not a parallel in history.

If anything could silence the voice of calumny, or terminate the mischievous effects of misrepresentation as to men and measures, so dangerous to a free government, and so much regretted by all good men,



it would be the singular happiness, this country has enjoyed amidst the scenes of general distress, which has afflicted other nations. But whatever may be the language or the attempt of the opposers of our government, the wise and virtuous cannot but find, in the prosperity of our country, abundant reasons for an undeviating attachment to the federal constitution and laws, and to those measures of government that have tended so much to produce public tranquility and happiness.

Our commerce, and with it, our national resources have been extended; our manufactures have increased; our agriculture has flourished; our national government has, by its laws, supported our citizens at home, and by its energy protected them abroad, and a neutral and happily beneficial attitude has been maintained with dignified perseverance: and those among us who have thought that an efficient Treaty with France would add to our political prosperity, must have found great satisfaction in the recent mission of envoys, to that power; indeed it is ardently hoped, that they may honorably accommodate existing disagreements. But should these envoys, like our former messengers of peace, return to their Country, without effecting the desirable object of their mission, it is charitably expected that every mouth will be stopped, and every eye turned to our national courage and patriotism, that sure and only foundation of national prosperity.

That all your wise deliberations may tend to this great and good end, I ardently pray the great disposer of all human events.

ISAAC TICHENOR.

Nathaniel Niles, Daniel Chipman, and William Simpson were appointed to draft an answer of the House to the foregoing speech, and Mr. Niles reported an answer responding to the sentiments of the governor, which was agreed to without a division.—See printed *Assembly Journal* of 1800, pp. 135-138.

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#### SPEECH OF GOV. TICHENOR.—1801.

*Gentlemen of the Council and Gentlemen of the house of Representatives:*

In a state regulated in its expenditures by the strictest rules of economy, the public approbation must be the principal reward of its magistrates. That I have the honor of addressing you again, as your Chief Magistrate, evidences the confidence of the Freemen in my past conduct, and urges to active and zealous pursuit of their best welfare.

The Constitution of this State, under which we are now assembled, is happily formed on the principles of freedom, and has, for its object, the interest of the great body of the people: To discover this interest will be the result of your deliberations; to pursue it, the result of your doings.

Upon the habits, the opinions, the principles of the people both civil and religious, republican governments solely depend: When the people are habituated to respect the laws and their Magistrates, and, aided by the impulses of religion, are attached by political principles to their government, its administration will prosper, and the people be happy. But when they are habituated to view their government as prodigal and oppressive, to be ever jealous of the character and conduct of their magistrates, and from bad principles are induced to vilify and obstruct its public acts, and meet no restraint from religious or moral considerations, the government hastens rapidly to ruin. It is then highly important, that the General Assembly, as the political fathers of the people, should endeavor, by all candid means, to direct the public sentiment. To effect

this, the Legislature must possess the confidence of the people. This, Gentlemen, you will continue to do, by enacting wise and beneficial laws; by providing for public expenditures, and enforcing proper economy in governmental expenses; by electing men of abilities, worth and integrity into office; by inculcating sound morals, and recommending a reverence for the great and salutary duties of religion.

The institutions of religious worship, and the establishment of Colleges and Academies in this State, will afford us much assistance. While our youth are trained up in knowledge and virtue, and the people practise in assembling for the purposes of religious instruction and devotion, we may rationally hope that good principles will prevail, and have their happy effects, in all our personal and public proceedings.

The appointment of civil officers is a necessary part of the business which the Constitution assigns to the General Assembly at their annual Session. Unfortunately for our Country, this has become a matter of discord and party contention in some parts of the union. It cannot be necessary, and it cannot be expedient, to make that, which the Constitution contemplates as a very serious and important duty, become a matter of contention or private interest. By avoiding everything which has the appearance of partiality or intolerance, and private interest, and by aiming to appoint those men who are the best fitted and qualified to discharge the public offices and services, we preserve to ourselves the approbation of our own minds, and give to our fellow Citizens compleat evidence, that the principles of Republicanism are not the principles of contention, of intolerance, of individual interest, or of faction, but those of candor, of public utility and national prosperity.

In the transaction and management of public business, in general, a spirit of candor, temperance and prudence is an essential requisite. No affairs of importance can ever be done to advantage when the mind is agitated with intemperate passions, or inflamed by party purposes and pursuits. In a state, heretofore superior to such influences, it may be presumed that they will not be permitted now to prevail: But that Wisdom, discretion and benevolence, will mark all the proceedings of the present Session.

It is with much satisfaction I announce to you the prosperous state of our finances. The public debt, due on hard money orders, has been discharged; a small annual tax will, in future, be fully adequate to meet the expences of government. I cannot omit recommending to your particular attention, the state of our Militia. That brave and useful part of our fellow Citizens, upon whom the sure and immediate defence of our country depends, are greatly deficient in military equipments—the greater part are destitute of arms—the law on the subject, has lain dormant, and six years' experience has evidenced its inutility; the soldier has found it difficult, if not impracticable, to comply with it, and the officers, sensible of this, have omitted to enforce it. Whether it would be proper to purchase arms for their use, or by encouraging the manufacture of arms in this State, and thereby affording the Militia an opportunity of equipping themselves, is worthy of your serious consideration. Field Artillery is of indispensable use in modern tactics, and in almost all our sister States provided at the expence of government. Two field pieces to each brigade would not be expensive and burthensome in our present state of prosperity. A tax of such a beneficial intent would be cheerfully submitted to by all classes of people; they would feel a virtuous Pride in cherishing that military zeal which has hitherto animated the militia of this State. Surely the public treasure cannot be better expended than for national defence. Assuredly, the brave, hardy militia

of the State of Vermont have merited the patronage of their country as highly as any soldiery in the union.

A letter from the Governor of the State of Maryland, covering certain resolutions of that State, as well as some other subjects of less import, will be communicated by a special message.—[See *ante*, p. 432.]

It is not barely to the limits of this State that our political duties are confined; they extend much farther, and have relation to the whole of the federal union. Happy in our own State, by enjoying a republican form of government, it is another and important part of our political trust, that we are connected with the other free states of America by a Federal constitution mutually guaranteeing to each other, and to the whole, protection and defence. Our duty to the Federal government does not depend on names, persons, or political distinctions; least of all does it depend on having the other states uniting with us in the election of any particular person to be President of the United States. Whoever holds that important office, by Constitutional appointment and authority, is justly entitled to all the respect and obedience which the Constitution and the laws have attached to the office; and that which in the Federal system is to be revered and obeyed, is not any particular name or opinion, but national and constitutional authority. There cannot, therefore, be a doubt, but that it is our duty to support the federal union, to obey the federal laws, and to do all in our power to support and preserve the constitution and government of the United States.

As the increase of population is one of the acknowledged criterions of the prosperity of a people, I cannot refrain from congratulating you upon the rapid increase of our Citizens since the last census. This will probably call for a new apportionment of the Representatives from this State to the Congress of the United States; and at the next annual Session of this Assembly, it may be necessary to district the State anew for the election of a requisite number of Representatives. At the present Session, it may be expedient to repeal the act directing the election of members to Congress to be holden in the month of September next, and to adopt such measures, as shall render an extraordinary session of the legislature for this purpose unnecessary.

I shall be ready to concur with you, Gentlemen, in any measure of public utility, and humbly rely upon a superintending Providence, that all our honest endeavors for the public good may be crowned with success.

ISAAC TICHENOR.

For the answer of the House, see *Assembly Journal* of 1801, p. 105.

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#### SPEECH OF GOV. TICHENOR—Oct. 1802.

*Gentlemen of the Council, and of the House of Representatives:*

There cannot be a more important civil trust, than that which our constituents have assigned us. To designate those officers, on whose decision all that belongs to life, liberty, or property may depend, is a weighty and serious transaction. Instead of being a matter of intrigue, party, or selfish policy, it requires all the calmness of wisdom, all the disinterestedness of virtue. Nor could there be a more unfortunate error, than to make those civil appointments, which by our constitution must be annual, a matter of private friendship, interest, party, or faction. You will meet this part of your business, Gentlemen, with all the calmness, impartiality and attention to the public good, which the honor and interest of the state essentially require.

One of the greatest misfortunes, that attends republican Governments, is the progress and violence of party spirit. We need not recur to ancient history for proof. Our beloved Washington, with all his modera-

tion, wisdom and virtues, was not able to repress the destructive spirit ; we know that an ardent love for his country, and a life devoted to its service with the most upright intentions, did not shield him and his measures from its malignant effects. It existed in his day, and has progressed with time, and increased with violence, untill now. In a government, where the honors and emoluments of public offices are alike open to all the citizens, it will be natural for many to appear as candidates for public approbation and employment; and many good effects will arise from a spirit of emulation, enterprise and ambition : let them be well directed, and under proper regulations, and they will give rise to the most necessary and useful public exertions. But when ambitious men become inflamed, so as to produce a violation of the laws of virtue, the destruction of private character, the propagation of falsehood and slander and an established rancorous spirit of party, they introduce into civil society some of the worst evils. One part of the community becomes inflamed against the other; different parties are ranked under different leaders; they have different views and aims, and forgetful of the public good, are most of all active and violent to accomplish their own particular purposes. It cannot be, in such a state of things, but that the public interest will be sacrificed to private views; and the more engaged men are in such pursuits, the more the public interest must suffer and the public peace be endangered.

Republican government cannot be maintained but by an union of the wise and good. It requires the abilities and exertions of the wisest and most virtuous, in every country, to direct the public affairs, to restrain the vicious, to give the laws a proper direction and energy, and to keep up those civil and moral institutions on which the existence and safety of civil society essentially depend. Those, therefore, who, from a spirit of party, or personal aggrandizement, labor to divide and inflame one part of the community against the other, whatever motive and principles they may avow, are the greatest enemies to our republican constitution and form of government. A remedy for these evils, so pernicious to society, is not within the reach of legislative acts; it is only on the virtue and correct information of the great body of the people, that we can rely to stop their progress, or to do away their fatal effects; and when aided by the precepts and examples of virtuous representatives and upright magistrates, [these] will, I presume, be effectual.

It is not barely from the Constitution and form of government, adopted by this State, that our safety is derived. Connected with other States by the Federal Constitution, the interest and safety of each is involved in preserving the union of the whole.

By a late act of Congress, it has become our duty to make new arrangements respecting the choice of Representatives; and it is of the most serious importance that in all our acts respecting the general government, we discover the most anxious solicitude to preserve and strengthen the union, and to support the Constitution and government of the United States. If under any pretence, or violence of parties, the Federal Constitution should be destroyed, perverted or essentially altered, we may discover our error and ruin at the same disastrous period.

In the view of humanity, it must be a matter of joy, that peace, in Europe, has put a stop to the effusion of human blood; while we rejoice in the event, we feel most sensibly, that the produce of our agriculture is not a little connected with commerce. In an agricultural State, like that of Vermont, it is the commerce of the maritime states that gives value to that part of our productions which are not wanted for our own consumption, and unless the latter be protected by the energies of government, the former cannot be pursued to any considerable extent with advantage to the laborer.

In a free state, a Militia, well equipt and disciplined, has ever been considered as the great and sure basis of its independence. Impressed with this truth, our sister states have made the greatest governmental exertions, to cherish and invite their citizens to practice the arts of war in times of peace, that they might know how to defend their Country in the hour of danger. In some States, they have furnished the Militia with fire arms, at the public expense, and in almost all with field artillery. In our state, the Militia are very deficient in military equipments and totally destitute of field artillery. I have frequently made the situation of our Militia the subject of unsuccessful communication, and can only hope, from the patriotism of the present legislature, that the claims of this brave and meritorious part of our fellow citizens will be fully answered, especially as the late peace has probably brought the price of military articles within that rule of economy which ought to regulate public expensiture.

I cannot forbear to mention, with high satisfaction, that our schools and colleges are assuming a very respectable appearance of utility and reputation. It is in the progress and influence of education, knowledge, virtue, and religion, that all orders of men will receive the most substantial benefits that can accrue, either to individuals or to societies.

If necessary, in pursuance of the duties of office, I shall recommend for your consideration any other business by particular message. I sincerely wish you an agreeable session, and firmly hope, that with temperance and wisdom becoming the assembled Fathers of the people, you will conduct for their best interest.

ISAAC TICHENOR.

Burlington Oct. 18<sup>th</sup> 1802.

On the answer of the Assembly to this speech, the parties in the House were pretty nearly divided, and much discussion ensued. The Jeffersonian Republicans carried their address by a vote of 93 to 85.—See printed *Assembly Journal* of 1802, pp. 109–117. The Federalists entered a protest on the journal.—See *Ibid.* pp. 201–203, and 284–288.

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#### SPEECH OF GOV. TICHENOR—Oct. 1803.

*Gentlemen of the Council, and Gentlemen of the house of Representatives:*

We are again assembled to devise and adopt such measures as will promote the great interest of our fellow citizens.

In the exercise of the duties assigned to us, it may not be unprofitable to look back to the infant state of our Republic, from thence trace the measures pursued by our venerable fathers, to whose wisdom and firmness we are indebted for the rank and privileges of an independent state. It is a tribute justly due to their virtues, thus publicly to acknowledge, that the evils, arising from divisions and party spirit, were not known in their legislative Councils. Their appointments to offices were fixed on men whose disinterested zeal for the public good was manifested more by their acts than their professions. A patriotic spirit of union, in Council and measures, animated their administrations. They subdued the wilderness, they sowed the seeds of science and the arts, and the elder states saw, with surprise, a few united and virtuous Citizens demanding as their right an honorable station among her sister states. It should be remembered, that it was union alone sustained them, in their infant struggles for right, in their noble exertions for sovereignty. It is wisdom in us to adhere to those rules and maxims, by which they regulated

their conduct, and like them, to make the general good the great object of all our public measures.

One important part of the business assigned to us, by the Constitution, is the appointment of public officers; our duty in this respect is plain and easy to be understood: the wisest and best men, those who by precept and example, will cherish obedience to the laws, are evidently the most proper candidates. And while we aim to appoint only such to office, there will be no room for party views and interest to influence our proceedings.

The enacting of laws should ever be a business of mature deliberation. The happiness and safety of society does not depend on the multiplicity of its laws. Laws should be few in number, explicit, and duly enforced. What the operation of a law will be, upon a community, the most discerning cannot often foretell. A partial evil is sometimes noticed upon the promulgation of a law, which is often greatly overbalanced by its more general and beneficial effects. The only sure mode of deciding upon the merits of a statute is to submit to the process of partial experiment. Hence it follows, that Legislatures should be as careful in repealing as in enacting laws. Among the public acts passed by the last General Assembly, it is believed that the act relating to insolvent debtors is not sufficiently explicit and guarded to secure the rights of Creditors, and afford the remedy intended for Debtors. An investigation, by an Assembly possessing accurate knowledge of the operation of this statute, and of some others recently enacted, will determine if amendments are necessary.

By the twenty fourth Section of our Constitution, in order to make sanguinary punishments less necessary, it is strongly recommended, "That means should be provided for punishing by hard labor those who should be convicted of crimes not capital; whereby the criminal shall be employed for the benefit of the public, or for the reparation of injuries done to private persons." Whether the period has arrived, in which this humane and salutary recommendation can be carried into effect, you can best judge; but the weakness of our County Goals throughout the State, the frequent escape of persons convicted for crimes, the great expence sustained by the state and county Treasuries for the apprehension of prisoners, and the yet greater expence of supporting Criminals in our County Goals, impress it upon me as a duty, to draw the attention of the legislature to the erecting of a State prison. I may here add, we have not to venture the expence upon the uncertainty of experiment, but the benefits and even profits of a public penitentiary house or state prison has [have] been abundantly proved in a number of the neighboring States.

In a just arrangement of our fiscal concerns much advantage will result to the people. While we are careful to supply the Treasury with such sums of money as the public exigencies require, it will at all times be useful to pay a strict attention to public expenditures, and to ascertain from time to time, the amount of monies drawn for the support of different branches of our government: for this purpose, the public accounts will be laid before you.

The state of our Militia has strong claims on your attention: by an official communication from the President of the United States, it has again become my duty to invite you to a consideration of this subject: this communication, together with a return of the effective force of our Militia will be laid before you. They are respectable for numbers, they are brave; they inherit the spirit of their fathers: to preserve this spirit, they must be well armed and equipped: this cannot be effected without legislative aid. Our safety and freedom essentially depend on this class

of our fellow citizens. It is our highest interest, as a nation, to engraft the character of the soldier on the citizen, and to cherish that spirit, which gave us independence. It will be a sure and cheap defence.

While the horrors of war are again taking place in some of the nations of Europe, I cannot but congratulate you on the happy state of peace and tranquility that pervades the United States. A country that steadily pursues the business of Agriculture, manufactures, commerce and science and avoids war, except in defence of her just rights, is in the surest way of national prosperity and improvement. The glory derived from the increasing population and happiness of a country, is far more eligible and useful, than any thing, that can be obtained by making war, on any nation, or being distinguished by the destruction of the human race.

I shall be happy, Gentlemen, to cooperate with you in any measures that may serve to promote the interest and honor of the state : And I trust that we shall all bear in mind, that the public business will always be done to the greatest advantage, when it is done in the exercise of wisdom, of candor, and of moderation.

ISAAC TICHENOR.

For the answer of the Assembly to this speech, see *Assembly Journal* of 1803, pp. 36, 37.

## APPENDIX K.

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### REPLIES OF VERMONT TO THE KENTUCKY AND VIRGINIA RESOLUTIONS OF 1798.

The resolutions of Kentucky, adopted Nov. 10 1798, were drawn by Mr. JEFFERSON, and the first of the series was in these words:

Resolved, That the several states composing the United States of America, are not united on the principle of unlimited submission to their general government; but that by compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes, delegated to that government certain definite powers, reserving, each state to itself, the residuary mass of right to their own self-government; and, that whenever the general government assumes undelegated powers, its acts are unauthorized, void, and of no force; that to this compact each state acceded as a state, and is an integral party; that this government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but, that as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

The resolutions then went on to specify several acts of Congress and constructions of the constitution as infractions of that instrument, and closed by inviting the several states to "concur in declaring these void and of no force," and to "unite with this Commonwealth in requesting their repeal at the next session of Congress." These resolutions were condemned by several of the States, and on the 14th of November 1799, Kentucky re-affirmed its doctrine of State-Rights, and in the following words expressly declared that *Nullification* was the rightful remedy for infractions of the Constitution:

That the several states who formed that instrument being sovereign and independent, have the unquestionable right to judge of the infraction; and that a nullification by those sovereignties of all unauthorized acts done under color of that instrument is the rightful remedy.<sup>1</sup>

Instead of concurring in the resolutions of Kentucky, the Legislature of Virginia adopted a series of its own, which were drawn by JAMES

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<sup>1</sup>M. W. Cluskey's *Political Text Book*, 1859, pp. 276-280, 664.



**MADISON.** These refrained from announcing nullification as "the right-ful remedy;" but declared that the powers of the general government resulted from "the compact to which the states are parties;" are "limited by the plain sense and intention" of the constitution; and that "the states, who are parties thereto, have the right, and are in duty bound, to interpose, for arresting the progress of evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them."

These resolutions found their final and logical outcome in the secession of the Southern States in 1861, and the War of the Rebellion. The legislators of Vermont in 1799 were wiser than they knew; for while they declared that the Kentucky dogmas would "defeat the grand design of our Union," they did not forecast the holocausts by fire and sword which their sons have most bravely met. The replies of Vermont follow:

IN GRAND COMMITTEE, Oct. 21 1799.

Agreeably to the concurrent resolutions of both branches of the legislature, his Excellency the Governor and Council met the House of Representatives in joint committee to take into consideration the Resolutions of the states of Kentucky and Virginia:<sup>1</sup> his Excellency in the Chair, Richard Whitney Clerk.

On motion, Resolved, That the said Resolutions be read at large; also that the address of the minority of the House of Representatives of the state of Virginia against the resolutions of the majority of that House, be read.

Mr. Uduey Hay then proposed to print the resolutions of Kentucky and Virginia, together with the acts of Congress which were condemned by them, which was negatived.

On motion, *Resolved*, That a sub-committee consisting of five members, be appointed to take under consideration the said resolutions of Virginia and Kentucky, and report to this Committee an answer or answers expressive of the sense of the Committee thereon. And a committee was appointed of Mr. [Daniel] Chipman, Mr. [John W.] Blake, Mr. [Samuel] Williams, Mr. [Uduey] Hay, and Mr. [Councillor Stephen] Jacob.

Oct. 29.—Mr. [Daniel] Chipman, from the sub-committee appointed to prepare and report to the Committee a resolution or resolutions, in answer to the said resolutions of the states of Kentucky and Virginia, reported certain resolutions, which were read as followeth, to wit:

#### THE ANSWER TO THE RESOLUTIONS OF THE STATE OF KENTUCKY.

To his Excellency the Governor, the Hon. Council, and General Assembly convened in joint committee, your sub-committee to whom was referred the resolutions of the states of Kentucky and Virginia, beg leave to report the following answer to the resolutions of the State of Kentucky.

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<sup>1</sup>The order of the replies of Vermont is changed from that in the *Assembly Journal*, to correspond with the fact that the resolutions of Kentucky preceded those of Virginia in point of time.

*"To the Legislature of the state of Kentucky.*

"We have maturely considered your resolutions of November 10th, 1798. As you invite our opinion, you will not blame us for giving it without disguise, and with decision. In your first resolution, you observe, in substance, 'That the states constituted the general government, and that each state as party to the compact, has an equal right to judge for itself as well of infractions of the constitution, as of the mode and measure of redress.' This cannot be true. The old confederation, it is true, was formed by the state Legislatures, but the present constitution of the United States was derived from an higher authority. The people of the United States formed the federal constitution, and not the states, or their Legislatures. And although each state is authorized to propose amendments, yet there is a wide difference between proposing amendments to the constitution, and assuming, or inviting, a power to dictate or control the general government.

"In your second resolution, you certainly misconstrue and misapply an amendment to the Federal Constitution, which, if your construction be true, does not surely warrant the conclusion that as a state you have a right to declare any act of the General Government, which you shall deem unconstitutional, null and void. Indeed, you actually do declare two acts of the Congress of the United States null and void. If, as a state, you have a right to declare two acts of the Congress of the United States unconstitutional and therefore void, you have an equal right to declare all their acts unconstitutional. Suppose each Legislature possess the power you contend for, each state Legislature would have the right to cause all the acts of Congress to pass in view before them, and reject or approve at their discretion, and the consequences would be, that the government of the Union, falsely called General, might operate partially in some states, and cease to operate in others. Would not this defeat the grand design of our Union?

"In the eighteenth article [sub-division] in the eighth section of the Constitution of the United States, we read, 'That Congress shall have power to make all laws which shall be proper for carrying into execution the Government of the United States.' If you enquire, where is our redress, should the Congress of the United States violate the Constitution, by abusing this power? we point to the right of election, [and] the Judicial courts of the Union; and, in a jury of our fellow citizens, we find the ever watchful and constitutional guard against this supposed evil.

"In your third resolution you again severely reprehend the act of Congress commonly called 'the Sedition bill.' If we possessed the power you assumed, to censure the acts of the General Government, we could not consistently construe the Sedition bill unconstitutional; because our own constitution guards the freedom of speech and the press in terms as explicit as that of the United States, yet long before the existence of the Federal Constitution, we enacted laws which are still in force against sedition, inflicting severer penalties than this act of Congress.

"And although the freedom of speech and of the press are declared unalienable in our bill of rights, yet the railer against the civil magistrate, and the blasphemer of his Maker, are exposed to grievous punishment. And no one has been heard to complain that these laws infringe our state Constitution. Our state laws also protect the citizen in his good name: and if the slanderer publish his libel, he is not in a criminal

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'The words of the constitution are :

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof.

prosecution indulged, as by the act of Congress, in giving the truth of the facts as exculpatory evidence.<sup>1</sup> Thus accustomed to construe our own Constitution, you will readily conceive that we acquiesce in a similar construction of the Constitution of the United States.

"In your fourth resolution, you declare the Alien Act to be of no force, and not law; that Congress have, in passing that law, assumed a power not delegated by the Constitution, and have thereby deprived the alien of certain Constitutional rights. We ever considered that the Constitution of the United States was made for the benefit of our own citizens; we never conjectured that aliens were any party to the federal compact; we never knew that aliens had any rights among us, except what they derived from the law of nations, and rights of hospitality, which gives them a right to remain in any country while inoffensive—subjects them to punishment if disobedient, and to be driven away if suspected of designs injurious to the public welfare.

"The construction of [that clause of] the Constitution which prohibits Congress from passing laws to prevent emigration ["migration or importation"] until the year 1808, in your fifth resolution, is certainly erroneous. This clause, we ever apprehended, had for its object *Negro Slaves*; and to give it any other construction would be to infer that Congress, after the year 1808, would have power to put a capitation tax upon every alien who should come to reside among us. The idea is too inhospitable to be admitted by a free and generous people.

"In your sixth resolution, you allege that the President is vested with a dangerous power; that, by his simple order, he may remove a suspected alien. We conceive that the President of the United States, as the head of the Government, possesses the best means of knowing the emissaries of our enemies, and we have the fullest confidence in his using his power and knowledge for the public good. You say that an alien has a constitutional right to a trial by jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, and to have a compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence. If an alien among us commit a crime he may indeed be tried by a jury of the country, to which he owes *local* allegiance; but by what law shall a man be tried by jury for suspicion? If our country were threatened with invasion, a thousand spies might be sent to spy out our weakness, and to prepare bad men to assist, and weak men to submit to the enemy. Do not the common principles of self-defence enable a government to arrest such emissaries and send them from the country, if only suspected of designs hostile to the public safety? If not, should some foreign invader approach our coasts, with a powerful fleet and army, those aliens would have a constitutional right to a trial by jury.

"In your last resolution, you say, 'That confidence is everywhere the parent of despotism; free government is founded in jealousy, and not in confidence.' This is a sentiment palpably erroneous, and hostile to the social nature of man. The experience of ages evinces the reverse is true, and that jealousy is the meanest passion of narrow minds, and tends to despotism; and that honesty always begets confidence, while those, who are dishonest themselves, are most apt to suspect others.

"Resolved, That his Excellency, the Governor, be requested to transmit a copy of the foregoing answer to the Resolutions of the state of

<sup>1</sup> By the Vermont Statute now, when the truth of the words charged as libellous is proved to the satisfaction of the jury, the verdict must be not guilty.

Kentucky, to the executive of that state, to be communicated to the Legislature."

The foregoing answer to the resolutions of the state of Kentucky was read and accepted.

#### THE ANSWER TO THE RESOLUTIONS OF THE STATE OF VIRGINIA.

To his Excellency the Governor, the Hon. Council, and General Assembly, convened in joint committee, your sub-committee, appointed to report a resolution in answer to the resolutions of the state of Virginia, beg leave to report the following resolution, to be recommended by this committee to the Legislature for adoption.

"Resolved, That the General Assembly of the state of Vermont do highly disapprove of the resolutions of the state of Virginia, as being unconstitutional in their nature, and dangerous in their tendency. It belongs not to *State Legislatures* to decide on the constitutionality of laws made by the general government; this power being exclusively vested in the *Judiciary Courts of the Union*.

"That his Excellency the Governor be requested to transmit a copy of this resolution to the Executive of Virginia, to be communicated to the General Assembly of that state."

Which report was accepted by the committee.

The answer to Virginia was adopted, 104 to 52; and the answer to Kentucky, 101 to 50.<sup>1</sup>

On the 5th of November, thirty-three of the members of the Assembly, who voted against the answers to Kentucky and Virginia, entered upon the journals the reasons of their dissent. This document criticises the "answers" in several points, but hardly contests the all important principle of constitutional law, on which the efficiency of the general government and the very existence of the Union depend. It claimed for the states a right "to decide" on supposed infractions of the constitution, and to "communicate their sentiments in the common way;" but when it came to the point of resistance to alleged infractions of the constitution, they not only saw clearly the dangers of nullification and secession, which in later times were the progeny of the Kentucky and Virginia resolutions of 1798, but affirmed the principle upon which the general government acted under the administration of President Lincoln. The following extract from this paper justifies the statement:

"Let it not be supposed, that in advocating the power of each state to decide on the constitutionality of *some* laws of the union, we mean to extend that right to any laws which do not infringe on the powers reserved to the states by the twelfth article of the amendments to the constitution.<sup>2</sup> We cannot, therefore, be charged with an intent to justify an opposition, in any manner or form whatever, to the operation of any act of the union. *That we conceive to be rebellion, punishable by the courts of the United States.*"

<sup>1</sup>Printed *Assembly Journal* of 1799, pp. 101-104, 107-109.

<sup>2</sup>The twelfth of the amendments *proposed* in 1789, but the tenth of those *adopted*.

## APPENDIX L.

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### LAST SPEECH OF GOV. THOMAS CHITTENDEN.<sup>1</sup>

*Gentlemen of the Council and Assembly*—You are so well knowing to the manifold favours and blessings bestowed on us, as a people, by the great ruler of the universe, that it would be unnecessary for me to recapitulate them. I would therefore only observe, that but a few years since we were without constitution, law or government, in a state of anarchy and confusion, at war with a potent foreign power, opposed by a powerful neighbouring state, discountenanced by the congress, distressed by internal dissensions, all our landed property in imminent danger, and without the means of defence.

Now your eyes behold the happy day, when we are in the full and uninterrupted enjoyment of a well regulated government, suited to the situation and genius of the people, acknowledged by all the powers of the earth, supported by the congress, at peace with our sister states, among ourselves and all the world.

From whence did these great blessings come? From God. Are they not worth enjoying? They surely are. Does it not become us as a people, to improve them, that we may have reason to hope they may be continued to us, and transmitted to posterity? It certainly does.

What are the most likely measures to be taken by us, as a people, to obtain this great end? To be a faithful, virtuous, industrious, and a moral people.

Does it not become us as the legislature, to take every method in our power to encourage virtue, industry, morality, religion, and learning? I think it does.

Is there any better method that can be taken by us, to answer this purpose, than by our own example, and having a sacred regard to virtue, industry, integrity, and morality, in all our appointments of executive and judicial officers? This is the day we have appointed to nominate all our subordinate, executive, and judicial officers, through the state, for the present year.

The people by their free suffrages, have given us the power, and in us they have placed their confidence, and to God, to them, and our own consciences we are accountable.

Suffer me, sir, as a leader, as a father, as a friend and a lover of this people, and as one whose voice cannot be much longer heard here, to instruct you in all your appointments, to have regard to none, but those who maintain a good moral character, men of integrity, and distinguished for wisdom and abilities; in doing this you will encourage virtue which is the glory of a people, and discountenance and discourage vice and profaneness, which is a reproach to any people.

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<sup>1</sup> From the printed *Assembly Journal* of 1796, p. 28.

## ADDITIONS AND CORRECTIONS.

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*Samuel Mattocks*.—Mr. Mattocks, then of Middlebury, declined being a candidate for re-election as State Treasurer, in a card dated July 28, 1800, for which see *Spooner's Vermont Journal* of Aug. 19, 1800. He held that office fourteen years.

*Benjamin Swan*, of Woodstock, was elected State Treasurer, in joint committee of both houses, Oct. 11, 1800, by "a large majority of the votes."—*Ante*, p. 259. He was re-elected annually by the people until 1833, having received a greater number of elections to a high office than any other citizen of the State. He was a pure, gentle, and genial man, trusted and beloved by all who knew him. As the stars have been said to go, "singing as they shine," so went he about his daily duties, softly humming through them all, as one at perfect peace with God and man. On the settlement of his accounts with the State in October, 1833, it was found that, during the thirty-three years of his service, he had received \$732.25 in counterfeit and uncurrent money, being an average of a little over \$22 per annum, and by a joint resolution he was allowed that sum to balance the books of the office. At this day such an inconsiderable loss perhaps would be justly censurable; but in his day it indicated very great and commendable caution, since the fact was, for many years, that a very large proportion of the bills and coin in circulation was counterfeit. Of the criminal cases reported in 1808 from seven counties, there were sixty-three indictments specified for counterfeiting, or uttering base money. Out of a large number of cases in which the offence was not specified, it is probable that many more were for counterfeiting, or uttering counterfeit money.—See *Assembly Journal* of 1808, pp. 32 to 41.

*Compensation of the Governor and State Treasurer*.—In 1801 the salary of the governor was fixed at \$750 per annum, and of the Treasurer at \$400. In 1857, the salary of the governor was increased to the present sum, \$1000; and that of the treasurer to \$500. The present salary of the treasurer is \$1500, and \$900 for a clerk.

Vol. I, p. 245.—Joshua Woodward and Samuel Daniels, who were killed in the fight at Shelburne in 1778, were previously citizens of Pittsford, though Mr. Daniels had removed to Salisbury before the fight.—See Dr. A. M. Caverly's *History of Pittsford*, p. 131.

Vol. II, p. 51.—Doct. Jonathan Arnold died Feb. 1, 1793, instead of Feb. 2, 1798.

Vol. II, p. 132.—The daughter of Noah Chittenden, referred to in note 3, married Truman Galusha, instead of Gov. Jonas Galusha.

Vol. IV, p. 195, note 1.—Since writing the note referred to, the editor has found that Joseph Hawkins removed from Vermont to New York, and in 1797 published, at Philadelphia, a 12mo. volume of 180 pages, with a frontispiece, entitled as follows:

SLAVE-TRADE. History of a Voyage to the Coast of Africa, and Travels into the interior of that Country: containing particular descriptions of the Climate and inhabitants, and interesting particulars concerning the Slave-Trade. By Joseph Hawkins, of New York, who has since become blind, and for whose benefit it is now published by his friends.

Vol. IV, p. 370.—No account of election-day services in 1803 could be found when the copy for the page was prepared. It has been found since that the sermon was preached by Rev. Sylvester Sage.

#### CORRECTIONS IN VOL. IV.

P. 28, "Sanders" should be *Sanderson*, and "Lyon" should be *Lynde*; p. 75, "Harrison" should be *Harrington*; p. 87, "Brush" should be *Bush*; p. 108, "Rust" should be *Burt*; p. 110, note 1, the reference should be to *Appendix L*; p. 151, note 1, "Merrill" should be *Morrill*; p. 181, line 3, read *Samuel B. Sheldon*, instead of "Samuel C."; p. 223, "Burr" should be *Burton*; pp. 236 and 296, "Burnham" should be *Barnum*; p. 260, "Janes" should be *Jones*; p. 297, "Blake" should be *Baker*, and "Crane" should be *Train*; p. 333, "Miles" should be *Niles*; p. 358, "Walden" should be *Morgan*; p. 377, "Brown" should be *Brownson*; p. 405, "Nathaniel Callendar" should be *Nathan Callendar*; and p. 458, "Elijah Sheldon" should be *Elisha Sheldon*.

#### ACKNOWLEDGMENTS AND NOTE.

ACKNOWLEDGMENTS are due to Doct. A. M. CAVERLY of Pittsford for corrections; to Gov. RYLAND FLETCHER of Cavendish for genealogy of the Fletcher family; to widow ELON GALUSHA of Lockport, N. Y., and Dea. GEORGE HUNTINGTON of Rochester, N. Y., for a portrait of Gov. Jonas Galusha, which is reserved for the proper place; and to CHAUNCEY K. WILLIAMS, Esq., of Rutland, for a notice of Hon. Samuel Williams.

NOTE.—The printing of the pamphlets on the origin and causes of the annexation of New Hampshire towns to Vermont, in 1778 and 1781, is again postponed with a hope of obtaining the third and last pamphlet.

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